

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22138 of 2023**

Arising Out of PS. Case No.-490 Year-2022 Thana- GOVINDGANJ District- East
Champanan

RAJESH PANDEY S/O LATE NARAD PANDEY R/O Village- Radhiya, P.S-
Govindganj, Distt.- East Champanan, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 28-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 379,
384, 411 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of three cases.

4. The informant alleges that he was receiving a call
from Mobile No. 7079460658 for last one month and was being
lured to buy pure gold at lesser price, the true caller showed the
SIM in the name of Srikant Tiwari, further being lured by the
offer, he along with his brother Rishabh reached village-
Radhiya in the district of East Champanan on 27.09.2022 and
contacted on the said mobile number, thereafter they purchased
pure gold worth Rs. 4,20,000/- but after taking the money, gold



was not handed over, further, his brother realizing the fraud, took back the money from the person he had given, thereafter 8-10 accused came and threatened him, but in the meantime police arrived and the money was saved, it is next alleged that the transaction was taking place in the house of Ajeet Kumar Dwivedi.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that petitioner is not named in the F.I.R and he came to be implicated during the course of investigation on the ground that his mobile number also figured in the mobile of Srikant Tiwari from which the call used to come, it is next submitted that merely talking to a person, who was calling the informant has led to implication of the petitioner because of his antecedent. It is further submitted that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Govindganj P.S. Case No. 490 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating or not presenting himself as and when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

Rishabh/-

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