

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28211 of 2023**

Arising Out of PS. Case No.-222 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Budhan Prasad @ Sandeep Kumar Rajak, Male, aged about 29 years, Son of
Bharat Prasad, Resident of village- Shahpur, P.O. and P.S. Shapur, District-
Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar, aged about 23 years, Male, Son of Badri Prasad, Resident of
village- Shahpur, P.O. and P.S.-Shahpur, District-Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Bibhakar Tiwary, learned counsel

appearing on behalf of the petitioner and Mr. Ashok Kumar

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 222(c) of 2022 registered for the
offence punishable under Sections 468, 323, 504 and 506 of the
Indian Penal Code.

3. The complainant has alleged that petitioner has
committed fraud with him on the pretext of providing Group-C
service in Railway for which the petitioner had demanded 14
lacs rupees. Record shows that out of 14 lacs rupees, the
complainant had paid 11.5 lacs rupees in the account of the



petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is nowhere concerned with the alleged transaction. In fact, the main accused is one Sahil Kumar, who has committed the forgery in a manner to involve the petitioner in the commission of crime by directing the complainant to make transaction into the account of the petitioner. He further submitted that in spite of the above admitted position, the petitioner is still ready to return back the entire amount which has been credited in his account. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner considering the fact that the petitioner has received Rs. 11.5 lacs.

6. Having considered the rival submission made on behalf of the petitioner as well as the allegation made in the complaint petition it is admitted that Rs. 11.5 lacs has been transferred into the account of the petitioner. It has been submitted on behalf of the petitioner by learned counsel that petitioner is ready to return back the entire amount but in installment. I am of the opinion that petitioner has *prima facie*



made out a case to be released on pre-arrest bail.

7. Considering the submission made on behalf of the petitioner, the petitioner must return back Rs. 6 lacs within a period of one month to the complainant and submit the acknowledgment slip in this regard that the complainant has received Rs. 6 lacs and, thereafter, may surrender before the Court below.

8. The Court below is directed to release the petitioner on bail and must ensure that the remaining amount of Rs. 5.5 lacs must be paid within a period of another one month.

9. The petitioner is given interim protection till 17.08.2023.

10. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara in connection with Complaint Case No. 222(c) of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

11. In case, the petitioner fails to deposit the money



within the aforesaid period, i.e. by 17.08.2023, this order will automatically loose its force.

12. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

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