

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33794 of 2023

Arising Out of PS. Case No.-1186 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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RAHUL KUMAR MALLIK S/O BABAN MALLIK @ BABAN KUMAR
MALLIK R/O Mohalla Colony No. 2, Bethel Mission, P.S and Distt.- Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Halimat Khatoon W/O Sheikh Sajim R/O Village- Digghi Katihar, P.S-
Mufassil, Distt.- Katihar (Complainant).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel appearing on behalf of the

parties.

The petitioner seeks bail in connection with
Complaint Case No. 1186 of 2022, where, cognizance has been
taken by learned Judicial Magistrate for the offence under
Sections 406, 420 and 120B of the Indian Penal Code.

The accused/petitioner is named in the complaint
petition and in custody since 25.01.2023.

Allegation as raised through complaint petition
against this petitioner is to cheat complainant and other 15-20
persons for sanctioning of loan under *Pradhan Mantri Mudra*



Loan Yojna to get Rs. 20-25 lac, where, petitioner asked to pay for 10% as commission, in furtherance of which complainant and other persons paid total amount of Rs. 19,76,500/-, as commission, but failed to secured the loan as assured by petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case when he asked to return loan of Rs. 2,00,000/- as advanced by him to complainant. It is submitted that false implication gets its strength further as complainant claimed to pay Rs. 1,50,000/- to petitioner on 13.08.2022, the day, on which petitioner was in judicial custody in connection with Katihar (Muffasil) P.S. Case No. 82 of 2022, doubting the version. It is submitted that alleged occurrence is of December, 2021, whereas the present complaint was lodged only after 06 months as an afterthought i.e. on 13.06.2022. It is further submitted that no complaint was raised by other complainants from whom commission was collected as alleged. It is also submitted that there is several contradictions, while recording the statement of complainant no notice was given by complainant to petitioner to returned the money, as paid by him, before lodging complaint. It is submitted that transaction is not documented and entire allegation is based



upon oral accusation. While concluding the argument, it is submitted that petitioner found involved in 02 more cases, not of similar nature, where, he is on bail.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact that allegation of payment of Rs. 3,00,000/- by complainant is based upon oral accusation, where, no such complaint was filed by other alleged cheated persons, where, petitioner is in custody since 25.01.2023, let the petitioner, above named, is directed to be released on bail in connection with Complaint Case No. 1186 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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