

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37465 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- KHODAWANDPUR District- Begusarai

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1. Sushila Kumari W/O Yogendra Paswan R/O Village. Bara Ward No. 5, Ps. Khodawandpur, Dist. Begusarai
2. Yogendra Paswan S/O Beni Paswan R/O Village. Bara Ward No. 5, Ps. Khodawandpur, Dist. Begusarai
3. Praween Kumar S/O Yogendra Paswan R/O Village. Bara Ward No. 5, Ps. Khodawandpur, Dist. Begusarai
4. Mamta Kumari W/O Rajan @ Ranjan @ Rayjan Paswan R/O Village. Bara Ward No. 5, Ps. Khodawandpur, Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv
For the Opposite Party/s : Mr.Choubey Jawahar, APP
For the Informant : Mr.Sanjay Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners, the learned APP for the State as well as learned counsel for the Informant.

2. The petitioners are apprehending their arrest in connection with Khodawandpur (Chhourahi O.P) P.S. Case No. 10 of 2022, registered for the offence punishable under Sections



419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Section 138 of N.I Act.

3. There is an allegation that the informant, on different dates and by two different means, has paid one Arun Paswan as well as some amounts to petitioner no. 1 for obtaining employment in the railway.

4. The learned counsel for the petitioners submits that as per the prosecution case, hardly Rs. 2 lakhs has been paid to petitioner no. 1. The same is arising out of earlier transactions, which is obvious from the copy of pay-slip (Annexure 3), which is from November, 2019, which shows that certain amounts were paid to the informant of this case. The submissions are that offence under Section 420 will not be made out, even as per the allegation since the parties have entered into an illegal agreement for an illegal purpose. The entire prosecution case is false against these petitioners. The same is obvious from the fact that the prime accused is stated to be Arun Paswan, who has allured the informant. The petitioners also have no antecedents.

5. The learned APP for the State and learned counsel for the Informant have opposed the prayer for bail.

6. Considering the rival submissions, nature of



allegations and the pay-slip showing petitioner no. 1's transactions with the informant, much prior to lodging of the case, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Begusarai, in connection with Khodawandpur (Chhourahi O.P) P.S. Case No. 10 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will



be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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