

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43968 of 2023

Arising Out of PS. Case No.-539 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Amit Kumar Son Of Rajnandan Prasad Resident Of Village Satyasangnagar
Ps Sherghati District Gaya

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Satish Kumar Son Of Late Vinod Prasad Resident Of Village- Chanda, Ps-
Barachatti, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 539 of 2018 registered for the offences punishable under Sections 147, 148, 323, 379, 420 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the Complaint's case, the accused/petitioner took Rs. 4,00,000/- from the father of the complainant to provide government job in railway. Thereafter, he started doing job in Railway Groud-D on daily basis. After sometime he got knowledge that he is working on daily basis. After getting knowledge, he went to ask his money but the said money was not returned to the complainant.



4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that petitioner and complainant are close relatives and there is also a civil dispute between the parties. He further submits that the petitioner has not taken money from the complainant in relation to provide service in Railway. He further relies upon the judgment of this Court in the case of **Vijay Sharma and Anr. Vs. State of Bihar** reported in **2011 (1) PLJR 780**, in which Hon'ble Court has quashed the said case and held that "the present allegations taken on their face value do not constitute an offence under the Penal code as the agreement itself was to commit an offence under the Penal code". Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, considering the fact the petitioner has cheated the complainant,



I am not inclined to enlarge the petitioner on bail. The prayer
for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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