

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51778 of 2022

Arising Out of PS. Case No.-352 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Nand Kishore Rajak Son of Uma Shankar Dhobi R/O Village- Chitaini, P.S.-
Kochas, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi w/o Ram Chandra Baitha, Village- Karwandia, P.S.- Sasaram,
District- Rohtas

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Uttam Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with Sasaram (Mufassil) P.S. Case No. 352 of 2021 dated 25.09.2021 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner cheated on her a sum of Rs. 6,00,000/- (Six lakhs) by making false promise of marrying her daughter. Further it is alleged that this petitioner misrepresented himself to be the son

of District's Dy. SP.

The main submissions advanced by learned counsel for petitioner are that co-accused Nira Devi has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 23261 of 2022 and the petitioner was remanded in the present case from Mohania PS Case No. 393 of 2021 in which he has been granted bail and the said case is only antecedent of the petitioner, the FIR clearly shows that the informant had got the knowledge of the petitioner's conduct on 08.09.2021 but she lodged the FIR of the instant matter on 25.09.2021 and there is no any documentary proof regarding the payment of the alleged money and the petitioner has been languishing in jail since 24.01.2022 and he has been chargesheeted.

Learned counsel for the informant has vehemently opposed the bail prayer and submitted that the instant matter relates to serious cheating and the petitioner cheated the informant by showing himself as a son of Deputy Superintendent of Police and on believing him she paid Rs. 6,00,000/-(Six lakhs) to the petitioner on different dates of which a complete list was filed by her with her written FIR.

Considering the above submissions and mainly the facts that against the petitioner the investigation has been completed

and he has been languishing in jail since 24.01.2022, in my opinion, petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Sasaram (Mufassil) P.S. Case No. 352 of 2021.

(Shailendra Singh, J)

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