

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59226 of 2023

Arising Out of PS. Case No.-830 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Raju Kumar Kushwaha @ Raju Kumar Mahto S/O Babulal Mahto R/O
Village- Kauwaha Laxmipur, P.S. Sirisiya (O.P.), Dist. West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Janak Prasad S/O Danilal Lal Sah R/O Village- Bhaishi, Ps. Chanpatiya,
Dist. West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 830 of 2022 wherein processes have been directed to be issued after cognizance being taken for the offences under Sections 323, 420, 406 and 504 of the Indian Penal Code.

3. As per prosecution case, the petitioner, who was working as a Manager in some society, induced the daughter and the son-in-law of the complainant and thereafter, they deposited Rs.1,12,000/- and 36,000/- respectively in the account



maintained by the petitioner for the society. Later on, the petitioner refused to return the money in favour of daughter and son-in-law of the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has got no criminal antecedent. The petitioner runs a general store and complainant took merchandised worth Rs.47,000/- from his shop and when the petitioner demanded the payment for the same, the complainant did not make the payment though a panchayati was held and complainant assured to make payment within two months. The petitioner was never engaged in any committee and never introduced any person to deposit money in the committee. The complainant has fabricated the present case in order to grab the money of the petitioner. Moreover, the case of the complainant is doubtful since the daughter and son-in-law of the complainant are major and they could have filed the case on their own and no document has been brought on record showing any payment of the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the apparent lack of material against the petitioner to substantiate the allegation and his clean antecedent, petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran/concerned court in connection with Complaint Case No. 830 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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