

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56014 of 2023**

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

ANURAG PASWAN SON OF GAJENDRA PASWAN RESIDENT OF
VILLAGE - MOHANPUR, WARD NO. 2, PS- KHODAWANDPUR, DISTT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioner is in custody in connection with Khodawandpur P.S. Case No. 10 of 2022 for the offence under sections 419, 420, 467, 468, 471, 472, 120(B), 506 of the Indian Penal Code and section 138 of N.I. Act lodged on 13.01.2022 by the informant, Ram Babu Yadav.

As per the prosecution story, the allegation is that the the informant missed the bus relating to Group-D exam held by the Indian Railways, having scored 64 marks whereas the cut off marks was 69. It is thereafter that the accused persons stepped in and after promising that the said job on special quota, took away altogether Rs. 15,08,750/-.



It is clear that they were only cheating the informant, in no way could have provided the job to the informant. Accordingly, the FIR.

Learned counsel for the petitioner submits that he too has been cheated by his maternal uncle who took all the amount, the main accused is the maternal uncle of the petitioner, Arun Paswan, the said Arun Paswan alongwith his wife have since been granted anticipatory bail vide Cr. Misc. No. 38347 of 2023 and is in custody since 19.05.2023 (as stated in paragraph 14 of the petition). However, he concedes that initially the informant had paid Rs. 50,000/-.

Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to return Rs. 50,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP opposes the prayer for bail stating that he is also part and parcel of the cheating process by which the informant have to pay Rs. 15,08,750/-.

Taking into account the facts on record, the main accused is the maternal uncle of the petitioner, Arun Paswan, the



said Arun Paswan alongwith his wife have since been granted anticipatory bail, as stated above, the petitioner is ready to pay Rs. 51,000/- to the informant, has no criminal antecedent, is in custody since 19.05.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 51,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, in connection with Khodawandpur P.S. Case No. 10 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

