

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60667 of 2023**

Arising Out of PS. Case No.-130 Year-2022 Thana- THALI District- Nawada

Subhajit Guha @ Subhojit Guha S/O Uttam Guha R/O Bethal International School, Thali, P.S- Thali, Distt.- Nawada, Permanent Address Resident Of Ram Krishna Para, P.S- Matigara, Distt.- Darjeeling, West Bengal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. S. K. Lal, Adv.         |
| For the State        | : | Mr. Md. Aslam Ansari, APP   |
| For the Informant    | : | Mr. Ashok Kumar Singh, Adv. |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      06-12-2023                      Heard Mr. S. K. Lal, learned counsel appearing on behalf of the petitioner and Mr. Md. Aslam Ansari, learned Additional Public Prosecutor for the State. The informant is represented by Mr. Ashok Kumar Singh, learned counsel.

2. The petitioner apprehends his arrest in connection with Thali P.S. Case No. 130 of 2022, registered for the offences punishable under Sections 406, 420, 120(B) of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

3. The prosecution case is based on the written report of the informant alleging therein that against the manufacturing of I. Cards and video photo, when the informant reached to the Secretary of the school namely, Bethal International School, he refused to pay the due amount of Rs.2,10,000/- and said that the



amount has been handed over to the Principal of the school namely, Uttam Guha. It is alleged that the petitioner along with other accused persons are residing in the same house and have been running a racket, indulging in cheating the innocent persons in the name of providing shares and LIC schemes.

4. It is submitted on behalf of the petitioner that from the FIR, which is based on a complaint case it is evident that there is no specific allegation against the petitioner, rather specific allegation has been levelled against the Secretary and Principal of the school in question. He further submits that only because of the fact that the petitioner is said to have been residing in the house where other accused persons are also residing, his name has been implicated in this case by making allegation that he is also a member of the racket. He next submits that no transaction has ever been made from the account of the informant to the account of the petitioner. The complaint also lacks any particular as to when the order was given, supply was made and the role of the petitioner.

5. On the other hand, learned counsel for the State as well as the informant vehemently oppose the pre-arrest bail and submit that the petitioner along with others by running a racket have cheated so many persons and prior to this case, the



petitioner has also been made accused in Govindpur P.S. Case No. 126 of 2021 wherein he has been allowed the privilege of regular bail. They further submit that during the course of investigation, materials have also come which suggest the involvement of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and even during the course of investigation, no specific material has come suggesting the complicity of the petitioner in the present crime, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Nawada in connection with Thali P.S. Case No. 130 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

Anjani/-

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