

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65133 of 2023

Arising Out of PS. Case No.-716 Year-2022 Thana- GAYA KOTWALI District- Gaya

1. Sanjay Prasad @ Guddu @ Sanjay Barnwal son of Late Sarju Prasad

2. Rajesh Kumar @ Rajesh Barnwal son of Late Sarju Prasad.

Both are resident of Mohalla Makhlautganj, Swarajpuri Road, P.S. Kotwali, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Dhirendra Pratap Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Kumar Dhirendra Pratap Singh, learned counsel appearing on behalf of the petitioner and Mr. Anuj Kumar Shrivastava, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Kotwali P.S.Case No.716 of 2022, registered for the offences punishable under Sections 341, 323, 504, 506, 420, 467, 468/34 of the Indian Penal Code.

3. Allegation against the petitioner is of selling impure gold to the informant, which was ascertained after its testing at GAC Testing Laboratory, Sri Sai Testing Centre and



M.M. Refinery Centre by the informant. All the testing centres are located in different localities of Gaya district. On the said basis, the FIR has been lodged stating that there was a business transaction between the informant and the petitioner for a period of more than ten years.

4. Learned counsel appearing on behalf of the petitioner submits that the very validity of the report submitted by the Testing Centres can not be relied as these testing centres would have been managed by the informant. Quantity of pure gold after melting the ornaments can not be ascertained and in want of any evidence with respect to the ornaments, which were melted, the allegation seems to be frivolous.

5. Learned APP appearing on behalf of the State submits that the petitioner and the informant are engaged in the trade of gold and have jointly cheated the public at large by selling impure gold. Both the parties have admitted that they are engaged in sale and purchase of gold ornaments to the customers, who are innocent citizen. He further submits that the informant and the petitioner are required to be prosecuted by the State and the petitioner does not deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on



behalf of the parties as well as the trade of gold business, as on date, is being regulated by the Government of India so that the public at large can not be cheated by the goldsmith. The petitioner and the informant have admitted themselves to be in the business terms of gold and in course of the said business, the respective parties admittedly had sold impure gold ornament in the garb of 22 carat gold to the public at large, however, the basic allegation, which has been levelled against the petitioner is putting the informant at loss and both the parties have blamed each other for putting at loss by fraud committed by the respective parties. The allegation being purely private in nature, in which the petitioner also suffered loss and his name has been tarnished in the market. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya in connection with Kotwali P.S.Case No.716 of 2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

Before parting with this order, the Senior Superintendent of Police, Gaya is directed to proceed to enquire



into the conduct of the traders of gold business, who are involved in cheating the public at large by selling impure gold by certifying to be 22 carat gold, by involving experts to ascertain the fraud committed by them.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

