

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73763 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- AIRPORT District- Patna

RAHUL KUMAR @ TINKU S/o Radha Krishna Singh R/o Vetnary Colony,
P.S.- Hawai Adda, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiva Shankar Singh, Advocate Mr. Pushpendra Priyedarshi, Advocate
For the Opposite Party/s	:	Mr. Arbind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Hawai Adda P.S. Case No. 51 of 2022 registered for the offence punishable under Sections 341, 323, 406, 420, 504, 506 and 34 of the Indian Penal Code.

There is an allegation that the petitioner has duped the informant by taking Rs. 5.55 lakhs for procuring a Government job.

Learned counsel for the petitioner submits that some amounts were received by the petitioner from the informant for other purposes, and for coercing recovery of the said amount, false allegation has been levelled against the petitioner. The petitioner is stated to be a man of clean antecedent. It is



submitted that admittedly 1.55 lakh was taken by the petitioner from the informant. The petitioner has already returned Rs. 50,000/- (fifty thousands) and for the balance 1.05 lakh rupees, the petitioner has got a bank draft drawn on State Bank of India bearing No. 386948 000002000 000550 16 in the petitioner's favour. He submits that without prejudice to the allegations levelled in the criminal case, he is willing to deposit the said amount. Further it is submitted that even if the allegations are taken on their face value, then the same only makes out a case, which is of an illegitimate agreement for illegal purpose for which the informant cannot be permitted to invoke Sections 406 and 420 of the Indian Penal Code, as no such offence is thus made out.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Recording the undertaking of the petitioner to deposit the demand draft for handing over to the informant in the court below and with such condition, application is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna in connection with Hawai Adda P.S. Case No. 51 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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