

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5261 of 2024

Arising Out of PS. Case No.-1324 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Kundan Kumar Jha @ Kundan Jha S/O LATE UMAKANT JHA VILLAGE- BISHNUPUR, BRAHAMAN TOLA, WARD NO. 39, PS. TOWN BEGUSARAI, DIST. BEGUSARAI.
 2. MRITUNJAY KUMAR S/O LATE SHANKAR PRASAD RESIDENT OF WARD NO. 14, VILLAGE- TLRATH, PS. BEGUSARAI, DIST. BEGUSARAI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ROHIT KUMAR S/O LATE SIPAHI SHARMA VILLAGE AND PS.- BIRPUR, DIST. BEGUSARAI.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners, the State and the complainant.

2. The petitioners are apprehending arrest in connection with Complaint Case No. 1324C/2023 instituted under Sections 307, 406, 420, 467 of the Indian Penal Code filed on 8.8.2023 by the complainant,

3. As per the prosecution story, the allegation is that in the garb of providing job, different rates are being equated by the accused persons who are working under the office of District Programme office, Begusarai. Rs. 8 lakh was to be given by the



complainant and the first installment of Rs. 3 lakh was given to accused Arjun Choudhary who handed over the amount to Kundan Jha (petitioner no.1) who in turn after counting, gave the same to driver of the CDPO, Khodawandpur. Another installment of Rs. 3 lakh was given in the office of DPO and handed over to accused Sagar Kumar who in turn again handed over to petitioner no.2, Mritunjay Kumar for counting and then it was delivered to the driver of the DPO.

4. However, it was not possible for either of the accused to provide any job, no such job was given and accordingly, the complaint.

5. Learned counsel for the petitioners submit that as per Right to Information Act, there was no vacancy and as such there was no question of payment. He further submits that in the complaint case, he has submitted forged Adhaar Card. It is for the Court concerned to examine the matter and take necessary action, if the charge made by the learned counsel for the petitioners is found true.

6. Learned counsel appearing on behalf of the complainant submits that there is racket in the two offices of CDPO and DPO in the said district who allures the innocent people and receive heavy amount promising job.



7. Though the conduct of the complainant is condemnable inasmuch as instead of appearing in the examination for securing job, he resorted to short cut method of approaching the concerned employee of the offices to get a job that cannot exonerate the petitioner herein who was serving as a Data Entry Operator allured the complainant and in the process, he had given Rs. 6 lakh.

8. As under no circumstance, a Data Entry Operator can provide a job to any person much less the complainant.

9. Considering the aforesaid facts that there is direct allegation that has come against the two petitioners of counting money and then handing it over to the two drivers of the official concerned, as stated above, no case for anticipatory bail is made out. Accordingly, the Cr. Misc. No. 5261 of 2024 stands rejected.

(Rajiv Roy, J)

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