

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6501 of 2024

Arising Out of PS. Case No.-49 Year-2015 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Md. Parwez Alam @ Md. Parwez Alam @ Mohammad Parwez @ Md Parwez Akhtar SON OF LATE NATHU MIAN RESIDENT OF VILLAGE-QUAZIPUR (KAJIPUR), PS- FULWARIYA, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. BHULOTAN MANJHI SON OF PRITAM MANJHI RESIDENT OF VILLAGE- BHAT BATHUA, PS- PHULWARIYA, DIST- GOPALGANJ

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner, the State and the complainant.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 49 of 2015, Tr. No. 724 of 2023 instituted under Sections 420, 323 of the Indian Penal Code filed on 10.1.2024 by the complainant, Bhulotan Manjhi.

3. As per the complaint, upon knowledge that this petitioner as also Nathu Mian who is father of the petitioner on the assurance of getting lucrative job abroad, took altogether Rs. 1,50,000/- from him as also one Bhanu Pratap Tiwari and went to Mumbai, came to know that the job that is being offered is not as per the agreement. As they returned and wanted the



money back, upon refusal, the complaint.

4. Learned counsel for the petitioner at the outset submits that he took sincere steps in getting a good job abroad, having failed to do so had assured him of taking necessary steps , in a hurry, the complaint has been filed. However, without accepting the allegation and on the outcome of the present case, he is ready to return Rs. 1,50,000/- but some time may be granted inasmuch as:

- (i) he is ready to pay Rs. 1,00,000/- by Demand Draft to the complainant at the time of execution of bail bond, if relief is granted to him;
- (ii) for the rest of 50,000/- he will be paying beginning from July, 2024 by 10th of every month and that will come to an end in the month of November, 2024.

5. Learned counsel appearing on behalf of the complainant submits that they committed fraud, took money but did not provided the job as per the agreement.

6. Though, there is allegation, in view of the fact that the petitioner is ready to pay, complaint has been filed, he will be facing the trial ultimately, this Court is inclined to extend



him the relief subject to the conditions as accepted by the petitioner himself in the earlier paragraph inasmuch as:

(i) he will pay Rs. 1,00,000/- by Demand Draft to the complainant at the time of execution of bail bond, if relief is granted to him;

(ii) for the rest of 50,000/- he will be paying beginning from July, 2024 by 10th of every month and that will come to an end in the month of November.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Complaint Case No. 49 of 2015, Tr. No. 724 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Gopalganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

(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.

(Rajiv Roy, J)

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