

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20908 of 2024

Arising Out of PS. Case No.-86 Year-2022 Thana- EAST COLONY District- Munger

Gulshan Kumar, Son of Late Gauri Shankar Prasad, Resident of Bekapur,
Near Anpurna Transport, P.S- Kotwali, District-Munger, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Advocate Mrs.Sushmita Kumari, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. Kumar Kamal Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner, learned
APP for the State as well as learned counsel appearing on behalf
of the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with East Colony P.S. Case No. 86 of 2022, registered on 24.11.2022 for the offences under Sections 420, 406, 120B, 506/34 of the Indian Penal Code.

3. As per prosecution case, the co-accused persons induced the informant for making payment of Rs. 1,56,00,000/- (One Crore Fifty Six lakhs) to the co-accused Manish Kumar



and the petitioner. The petitioner is the brother of co-accused Manish Kumar against whom there is specific allegation for taking money money and later on, refusing to return the money taken from the informant and threatening the informant with false implication and also to do away with his life.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that thrust of allegation is against the co-accused elder brother of the petitioner, who allegedly took the money for running his shop. From the FIR, it is apparent that the informant gave the money to the co-accused brother at the instance of Ashok Kumar Mehta, the father-in-law of the petitioner and certain documents were prepared by the co-accused persons and it is civil dispute over monetary transaction, if the prosecution case is to be believed. Learned counsel further submits that the petitioner is the brother of co-accused Manish Kumar and he is a Central Government employee posted as a Custom Officer in Bangalore where he uses to live with his family and has no concern with the business of his co-accused brother Manish Kumar, who allegedly took a private loan of Rs.1,56,00,000/- from the informant. The learned counsel further submits that money transaction, if any, between



the informant and the petitioner would give rise to only a civil dispute and he has hardly any concern to dealings of co-accused Manish Kumar and Informant. The petitioner barely knows the informant and he has no occasion at all to have any interaction with the informant. The learned counsel further submits that the petitioner has neither influenced nor tried to persuade the informant to lend such huge amount to co-accused Manish Kumar. Even the story of lending such huge amount of money by a class third employee is not believable. From the facts of the case, no offence as alleged is made out against the petitioner. The learned counsel further submits that co-accused Ashok Kumar Mehta has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 13.07.2023 passed in Cr. Misc. No.29194 of 2023. The co-accused Gita Devi, who is mother of the present petitioner, has also been granted anticipatory bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No.6835 of 2024. Learned counsel further submits that the petitioner has got no criminal history.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant



submits that the petitioner received money from the informant and others from his account and was instrumental in getting the loan from the informant through his father-in-law and his complicity is evident from his acts. The petitioner also threatened the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a government servant and there is no direct allegation against him, which is specific against other co-accused persons and further considering the possibility of false implication and grant of anticipatory bail to the other co-accused persons, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Munger/concerned court in connection with East Colony P.S. Case No. 86 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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