

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10674 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- FESHAR District- Aurangabad

Rajaram Yadav @ Raja Ram Yadav @ Raja Kumar Yadav, aged about 35 years (Male), S/o Surith Yadav, R/O village-Dhobi Bag, P.S. Madanpur, District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Durgesh Nandan, Advocate
For the Informant	:	M/S. Dharmendra Kumar Sinha and Shashi Shekhar, Advocates
For the State	:	Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fesar P.S. Case No. 117 of 2023 dated 24.06.2023 registered for the offences punishable under Sections 406, 420, 467, 468, 504, 506/34 of the I.P.C.

3. As per the prosecution case, on false pretext given by the petitioner for obtaining job through his friend, namely, Suraj Kumar Sinha, on the post of Supervisor in 'Aaganbari',



the informant after sell of her ornaments, put her land on mortgage and took some money on loan from different people has transferred total Rs. 9,00,000/- (Rs. 7,60,000/- in the A/C of Nira Kumari bearing No. 0607000100371720, P.N.B., Dehri, Rohtas, Rs. 60,000/- in the of Varsha Kumari bearing A/C No. 52830100002884, Bank of Baroda, Rs. 80,000/- in the A/C of Diwakar Dubey bearing No. 1967000400164514, P.N.B. Gaya. She has also given her all educational certificates to the petitioner and put up her signature on some forms and on plain papers which were given by the petitioner. It is further alleged that on 08.11.2019, the informant received some documents with respect to her appointment through Post but when delay occurred in appointment, she verified those documents about its genuineness then she found that both letters are forged. Thereafter, the informant said the petitioner that both letters are forged and demanded her money which were given by her but till date neither the money was returned nor her appointment was done. The informant informed the police but no action was taken against the petitioner till date. Hence, the F.I.R.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that Rs. 9,00,000/- (Rupees Nine Lacs)



given by the informant to the petitioner cannot be believed that such a huge amount will be given to anyone without any written document only on oral assurance whenever the petitioner is not holding any post of government job rather he is a simple man having RMP certificate and practicing in the local village to maintain his family and nothing more. More, the informant has transferred Rs. 7,60,000/- in the account of Nira Kumari, Dehri, Rs. 60,000/- in the account of Varsha Kumari, Gaya and Rs. 80,000/- in the account of Diwakar Dubey and not in the account of the petitioner and the aforesaid three persons are not known to the petitioner nor the petitioner had any connection with them at all. Hence, the allegation of payment of money to the petitioner is absolutely false and incorrect. The petitioner has neither received any amount from the informant nor he has given any assurance to the informant of getting her job as a Supervisor in the 'Aganwari'. It is further submitted that during investigation, no witness has come forward to support the allegation as made in the F.I.R. by the informant. It is further alleged that the occurrence took place on 16.08.2019 and the F.I.R. was lodged on 26.06.2023 for which no explanation was given by the prosecution. It is further submitted that the informant got appointment letter in the month of November,



2019 which was found to be forged then why the F.I.R. was lodged by the informant after a delay of four years which creates doubt the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Aurangabad in connection with Fesar P.S. Case No. 117 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

