

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17462 of 2024

Arising Out of PS. Case No.-14013 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rishi Kumar @ Rishi Raj Son of Sarvesh Singh Resident of Mohalla- Zero
Mile Rajshree Complex, 3rd Floor Near Gas Godawn Gali, P.S.- Agamkuan,
Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Singh Son of Sudhir Singh Present address- Basant Lodge, Kajipur,
Opposite CPI office, P.S.- Kadam Kuan, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the State	:	Mr.Arun Kumar Pandey, APP
For the Opposite Party No. 2	:	Mr. Binod Kr. Sinha, Advocate
		Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Complainant Case No. 14013(c) /
2022, registered for the offences punishable under
Sections 406, 420, 323, 341 and 504/34 of the
Indian Penal Code.

3. The allegation is regarding the accused
persons including the petitioner herein having
lured the complainant into transferring a sum of



Rs.5,85,000/-, in their favour, on the pretext of facilitating a job for the informant in Railways. As far as the petitioner is concerned, it has been alleged in the complaint petition that a sum of Rs. two lacs was given to the petitioner by way of bank transfer and a sum of Rs. 1,55,000/- was given in cash.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has already returned a sum of Rs. 1,55,000/- out of the total sum of Rs. two lacs stated to have been transferred in his bank account, which is not refuted by the learned counsel appearing for the opposite party no. 2 i.e. the complainant. As regards, the balance amount of Rs. 45,000/- out of the total sum of Rs. two lacs, which was transferred by the complainant to the bank account of the petitioner, it is submitted by the learned counsel for the petitioner that a draft



in the name of the opposite party no. 2 for the said amount shall be produced before the learned trial court at the time of furnishing bail bonds for the purposes of grant of anticipatory bail, hence a sympathetic view be taken and the petitioner be granted the privilege of bail. As far as payment of cash amount of Rs. 1,55,000/- to the petitioner by the complainant, is concerned, it is submitted by the learned counsel for the petitioner that the same is refuted, hence the same is required to be proved during the course of the Trial, thus to that extent benefit of doubt can be granted to the petitioner.

5. *Per contra*, the learned A.P.P. for the State as also the learned counsel for the complainant have vehemently opposed the prayer for grant of anticipatory bail, however, it has not been denied by the learned counsel for the complainant that a sum of Rs. 1,55,000/- has already stood paid to the complainant, nonetheless, he submits that the petitioner be directed to pay the balance amount of Rs. 45,000/-



out of the total sum of Rs. two lacs, which was given by the complainant to the petitioner by way of bank transfer.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has already refunded a sum of Rs. 1,55,000/- to the complainant and further he is ready to handover a draft to the complainant for the balance amount of Rs. 45,000/-, out of the total sum of Rs. two lacs transferred by the complainant in the bank account of the petitioner, at the time of furnishing bail bonds, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna in connection with Complaint Case No. 14013(c)/2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure and further subject to the petitioner producing a draft of 45,000/- in the name of the opposite party no. 2 i.e. Raju Singh, which shall be handed over to him, forthwith.

8. The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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