

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20806 of 2024

Arising Out of PS. Case No.-961 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Ajajul Mian S/O Sarfuddin Mian R/O Village- Chegwana, P.S- Shikarpur, Distt.- West Champaran.
 2. Meraj Alam S/O Mohammad Ishaque R/O Village- Chegwana, P.S- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mubarak Angari S/O Bal Hussain R/O Village- Narwal Barwal, P.S- Bagaha (Pathkhauli), Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kr Singh No. 1- Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad- A.P.P. Mr. Prithvi Nath Mishra- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-09-2024 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the complainant and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in Trial No.1526 of 2023 arising out of Complaint Case No.961-C of 2022 instituted for the offences punishable under Sections 420 and 406 of the Indian Penal Code pending in the Court of Sri V. Kumar, the learned Judicial Magistrate, 1st Class, West Champaran.

3. From perusal of the allegations as alleged in the complaint, it would manifest that opposite party no.2 alleges



that he was duped by the petitioners in name of getting him a job in the Railways for which, he paid an amount Rs.3,30,000/-, but then, the job was not provided, nor the money was returned.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is also submitted that informant is in habit of instituting cases like this. It is next submitted that petitioner never received an amount of Rs.3,30,000/- from the opposite party no.2 in name of getting him a job in the Railways.

5. The learned counsel appearing on behalf of the opposite party no.2 submits that the amount was handed over to the petitioners in pursuance of an agreement in presence of witnesses.

6. Learned A.P.P. Sri Chandra Bhushan Prasad, at this stage, submits that if petitioners have committed an illegality, the culpability of the opposite party no.2 cannot be ignored as the opposite party no.2 intended to get a job by paying bribe, as such, he was trying to usurp a job opportunity from a competent person based on his money strength, as such, it is submitted that FIR be directed to be instituted against the opposite party no.2 also.

7. Considering the submissions made by the learned



A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

8. The prayer of the petitioners for anticipatory bail stands rejected.

9. However, the Superintendent of Police, West Champaran at Bettiah is directed to institute an FIR against the opposite party no.2 as he, in the complaint case, acknowledges that he had paid an amount of Rs.3,30,000/- for an illegal purpose i.e. for getting a job through backdoor method in complete negation of Articles 14 and 16 of the Constitution of India.

(Satyavrat Verma, J)

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