

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24696 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- HULASGANJ District- Jehanabad

Jitendra Kumar @ Jitendra Ram Son of Late Ramnandan Ram Village Dewra
Math P S okari, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Kumari, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-05-2024 Heard Ms. Soni Kumari, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Hulasganj P.S. Case No. 11 of 2024 for the offence registered under sections 406, 419 and 420/34 lodged on 18.01.2024 by the informant Sunil Kumar.

3. As per the prosecution story, the informant alleged that Karu Paswan visited his house, got friendly and demanded and was paid Rs. 18 lakhs for gold statue of Lord Buddha. However, upon delivery and checking it with the goldsmith, it was found to be a bronze. When confronted, Karu Paswan returned Rs. five lakhs and assured that Rs. 13 lakhs will be returned but as the money did not return, feeling cheated, the case.

4. Learned Counsel for the petitioner submits that a



bare perusal of the FIR would show that the money was demanded by Karu Paswan assuring him to provide a gold statue of Lord Budha which as per the allegation turned out to be a bronze, Karu Paswan subsequently, paid Rs. five lakhs but as he did not return 13 lakhs, the case. It is her submission that so far as this petitioner is concerned, the only allegation is that when Karu Paswan visited the house of the informant, he accompanied along with some other persons.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he was also the person who visited with Karu Paswan.

6. Though there is an allegation against this petitioner of having accompanied Karu Paswan, who is the main culprit and the person who took Rs. 18 lakhs, returned 5 lakhs and assured to pay Rs. 13 lakhs, FIR lodged, he will have to face the trial and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Jehanabad in connection with Hulasganj P.S. Case No. 11 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 appear before the concerned police station every month for next one year to mark attendance;

(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 the bail bonds;

(Rajiv Roy, J)

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