

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27146 of 2023

Arising Out of PS. Case No.-907 Year-2020 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Sourav Saroj @ Subhash Kumar @ Subhash Yadav, aged about 38 years,
Gender-Male, Son of Yogendra Prasad Yadav, Resident of Village-
Mohammadpur, Ward No. 07, P.S.- Bakhtiarpur, Distt- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar.
2. Gauri Shankar Thakur, Son of Late Vidan Thakur, Resident of Village-
Saraswati Nagar, Ward No. 02 , P.S. and Distt- Saharsa.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Binod Kumar Sinha, Advocate
For the O.P. No. 2	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Anant Kumar 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 20-04-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 907C of 2020 dated
16.12.2020 registered for the offences punishable under
Sections 323, 341, 420, 467 and 468 of the I.P.C.

3. As per the prosecution case, the petitioner and the
co-accused came to the house of the complainant and offered to
provide a job to her daughter-in-law, namely, Soni Devi, as a
clerk in their bank with a monthly salary of Rs. 16,000/-, subject



to the condition that the complainant will have to deposit an amount of Rs. 2,40,000/- in the account of the Director of the company, accordingly, the complainant deposited the said amount as agreed and thereafter an appointment letter was issued to Soni Devi by the bank and she started working. It is further alleged that she worked for six months but she was not paid any salary and thereafter total Rs. 3,38,000/- was not returned to the complainant.

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 the petitioner never cheated the opposite party no. 2 and his daughter-in-law, Soni Devi, in providing job nor he has taken Rs. 2,40,000/- from the opposite party no. 2. The petitioner was only a signatory staff of K.B.S. Nidhi Ltd., and he obeyed the direction of the senior authority on the order of C.M.D. and Director of the company. The co-accused Madan Murari Bharti has issued an appointment letter to the daughter-in-law of the opposite party no. 2, namely, Soni Devi. Learned counsel for the petitioner placed reliance on the judgment in the case of *Bimla Tiwari Vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)* at para 10, the Hon'ble Apex Court has held that "we would



reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail.” The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and the learned counsel for the opposite party no. 2 have 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, Saharsa in connection with Complaint Case No. 907C of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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