

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33857 of 2024

Arising Out of PS. Case No.-616 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Ajit Kumar Sharma @ Ajit Kumar Gond @ Ajit Kumar Son of Gopal Sharma
Resident of village - Ughanidih, P.S.- Mohania, District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shekh Inamuddin Son of Shekh Alamgir Resident of village - Patelwan,
P.O.- Kathej, P.S.- Mohania, District - Kaimur (Bhabhua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 04-10-2024 Heard Mr. Vivekanand Vivek, learned counsel for

the petitioner, Mr. Parwez Kha, learned counsel for the

informant beside learned APP for the State.

2. The petitioner is in judicial custody in connection
with Complaint Case No. 616 of 2022 for the offence
punishable under Section 406/420 of the Indian Penal Code
lodged on 08.06.2022 by the informant, Shekh Immamuddin.

3. As per the prosecution story, in brief, as follows:

(i) one Shekh Immamuddin filed Complaint Case No
616/2022 in the Court of C.J.M., Kaimur at Bhabua alleging
therein that from 10.3.2017 to 22.5.2017 at 12 A.M., all the
accused persons with a common intention came to the tyre shop



of the complainant situated at Mohania and accused Ajit Kumar stated that he is an Officer of H.C.L. Company, Chennai and thereafter Accused Nos 2 and 3 Gopal Sharma and Raju Sharma told that they also had come from H.C.L. Company at Chennai and advised that they would give him an employment;

(ii) the complaint further alleged that he believed in accused person as they convinced that H.CL. Company needs installation of tower and it also offered Job and demanded Rs 15 Lacs;

(iii) the complainant further alleged that accused persons duped the complainant in the name of installation of tower and induced the complainant to pay a sum of Rs 15 Lacs:

(iv) the complainant further alleged that he paid Rs. 15 Lacs on different dates through cash and cheque and deposited in the account of Accused No. 1;

(v) the complainant further alleged that accused persons neither installed the tower nor gave Job to the complainant and they also did not return Rs.15 Lacs and refused to execute sale deed as such the accused persons hatched a conspiracy and grabbed Rs. 15 Lacs;

(vi) on the basis of the Complaint petition and SA of the complainant and deposition of enquiry witnesses Learned



CJM, Kaimur at Bhabun was pleased to take cognizance in the case.

4. Though, there is complete denial on the part of the petitioner on accepting Rs. 15 lacs through fraudulent act, the agreement shown by the informant who is appearing clearly proves otherwise as in the year 2019 itself he submitted his signature and acknowledged acceptance of Rs. 15 lacs as also assurance of repayment. This followed a notice to him by a lawyer and there is nothing on record to show that the petitioner anywhere submitted a petition regarding the documents produced by the informant to be forged and fabricated using his forged signature.

5. This Court is not on the point of payment/repayment/return of the amount, the complaint is of the year 2017 and six years later, the petitioner chose to walk into judicial custody.

6. In that background alone, this Court is not inclined to extend him relief which is accordingly rejected for the present.

(Rajiv Roy, J)

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