

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44603 of 2024

Arising Out of PS. Case No.-1388 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Sunil Kumar Thakur S/o Late Jaglal Thakur R/o vill - Medhuka, P.O. and P.S.
- Sahajitpur, Dist - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Viresh Kumar Pandey S/o Sri Visheshwar Pandey R/o Near Panitanki,
Hanuman Nagar, Kankarbagh, P.S. - Patrakar Nagar, Distt. - Patna,
Permanent R/o House No. 54, Pandey Chpara, Ekma, Saran Ekma, Bihar
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 1388(C) of 2020 registered for the alleged offences under Section 420 & 323 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons duped the complainant of an amount of Rs.38,09,000/- on the pretext of investing the same. However, the petitioner and other co-accused persons did not return the money and told the complainant that money was invested in chit funds and the said chit fund is closed and the money got lost. When the complainant asked them a proof of investment, the complainant was abused and assaulted by petitioner and other co-accused persons.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner submits that the present case is out and out false and concocted. The petitioner has not committed any offence and is himself a victim of shrewd and cunning nature of complainant. The complaint was filed against three persons but the learned trial court took cognizance only against this petitioner for offences under Section 420 and 323 of the Indian Penal Code. The whole prosecution story is not believable that Rs.38,09,000/- were given to the petitioner but no receipt was either claimed and whole transaction has been shown in cash which is further not believable. The allegation of assault and threatening given by the petitioner and others is completely false and concocted. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner for cheating the complainant's huge amount of money.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the improbable nature of allegation against the petitioner and further considering the clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the

court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned J.M.-Ist Class, Patna in connection with Complaint Case No. 1388(C) of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) Before acceptance of bail bond of the petitioner, the criminal antecedents of the petitioner will be verified by the learned trial court and if it is verified that petitioner is having any criminal antecedent, the bail bond will not be accepted.

(Arun Kumar Jha, J)

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