

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47156 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Mintu Kumar Sharma @ Rajesh Sharma, Son of Late Kamta Prasad Sharma
Resident of Village - Lebura Banjari, P.S.- Rohtas, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guria Kumari, Wife of Birendra Singh Resident of Village and P.O.- Rajpur,
P.S.- Rajpur, District - Rohtas, at Present Resident of Village - Karup, P.S.-
Sheosagar, District - Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Babu Nandan Prasad
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman
		Mr.Sarwjeet Kumar
		Mr.Vinay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2024 1. Heard learned counsel for the petitioner, the

learned counsel appearing on behalf of the complainant and

learned APP for the State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 420, 406 and 323 of the Indian Penal Code.

3. The learned counsel for the petitioner submits

that the petitioner has antecedent of two cases and the

complainant alleges that petitioner and complainant along

with others were running a Trust namely Kanyadan Yojna



and Trust and the same is a registered Trust. Further, complainant is Treasurer of the trust, as such, complainant collected about Rs.20 Lacs in cash from several families. Further, petitioner defrauded the complainant and others of Rs.50 Lacs. It is next alleged that petitioner even exploited and raped the complainant and other women by administering intoxicating pills. It is also alleged that complainant gave the money to the petitioner by way of non-judicial stamp paper with her signature on the documents.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that allegation of committing rape by administering intoxicating pills has been alleged only with a view to give seriousness to the case when cognizance has been taken only under Section 420, 406 and 323 of the I.P.C. It is also submitted that complainant being treasurer was implicated in Sasaram (T) P. S. Case No.541 of 2023, as such, instant complaint case came to be instituted in order to coerce the petitioner into submission, so that the complainant is able to save herself from the rigors of the



aforesaid police case. It is also alleged that none of the families, whose money the complainant claims to have collected, have instituted any case alleging fraud against the petitioner. It is also submitted that petitioner will cooperate in the trial to prove his innocence.

5. The learned counsel appearing on behalf of the complainant as well as learned A.P.P. opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel for the petitioner that none of the beneficiaries of the trust have instituted any case against the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Surabhi Srivastava, the learned A.C.J.M., Rohtas at Sasaram in connection with Complaint Case No.854 of 2023, subject to



the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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