

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50987 of 2024

Arising Out of PS. Case No.-434 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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Umesh Chauhan Son of Late Deo Raj Chauhan R/o Village- Badki Bendari,
P.S.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithlesh Singh Son of Late Gaya Singh R/o Village- Afzarpur, P.O.
B.D.Bigha, P.S.- Sherghati, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 434 of 2020 dated 11.11.2020 instituted for
the offence punishable under Section 420 of the Indian Penal
Code.

3. The prosecution case, in short, is that the petitioner
had received amount of Rs. 2,50,000/- from the complainant in the
name of supplying 10 labourers in his brick kiln industry, but he
neither supplied labourers nor he returned the said money. It is
further alleged that the petitioner showed invalid license issued by
the Labour Department, Gaya to take belief of the complainant in
his favour and cheated him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is labourer and was working in the kiln of the complainant. True fact is that the complainant was putting pressure upon the petitioner to work in his kiln on low payment for which the petitioner was not ready. On denial of the complainant's proposal, the present complaint case has been filed against the petitioner with false and concocted allegation. Learned counsel for the petitioner further submits that neither any document with regard to the aforesaid payment nor mode of payment has been mentioned in the complaint petition. There is no any proof with regard to the said payment. It is also submitted that the present case is of civil dispute and no offence under Section 420 of the Indian Penal Code is made out against the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 434 of 2020, he will be released on bail upon furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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