

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77285 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- PALIGANJ District- Patna

JAY KUMAR PRASAD @ JAY KUMAR SON OF RAM VILAS PRASAD
@ RAM NIVAS SAO RESIDENT OF VILLAGE AND P.O. - BANAULI
KHURD, P.S. - KHIRIMORE, DISTRICT - PATNA, AT PRESENT
RESIDENT OF MOHALLA - BABA BORING ROAD, P.S. - PALIGANJ,
DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shadwal Harsh, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Shyam Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-03-2024 Heard Mr. Shadwal Harsh, learned counsel for the petitioner and Mr. Shyam Kishore representing the informant as also Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in connection with Paliganj P.S. Case No. 305 of 2023 for the offence under Section 420 of the I.P.C. lodged on 06.06.2023 by the informant, Dinesh Kumar.

3. As per the prosecution story, the informant alleged that the petitioner who is now an ex-Mukhiya took Rs. 1,97,000/- cash in front of one Anil Kumar for getting him a job at Bihar Home Guard. However, later, he realized that the same is conducted through a proper procedure and Mukhiya has no



authority to get him secure that job, feeling cheated, demanded his money back, the petitioner failed to return. Accordingly, the present FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that neither the date is available nor the same was granted through a cheque/draft. The allegation is that he gave a cash money which has been completely denied by the petitioner. Only because he was Mukhiya, implicated due to enmity of the village.

5. On the other hand, learned counsel appearing on behalf of the informant submits that not only he took Rs. 1,97,000/- from this informant, he also has criminal antecedent in a case of Paliganj P.S. Case No. 281 of 2023, he had taken 1,80,000/- and having failed to pay back, the said FIR was instituted.

6. A bare perusal of the para-3 would show that beside the two cases, there is another case vide Paliganj P.S. Case No. 316 of 2023 lodged under the same Section 420 of the Indian Penal Code.

7. From the aforesaid fact it is clear that the petitioner is a habitual offender of cheating the local villagers who are innocent and in the process taking huge sum of money.



8. Taking into account the fact, he does not deserve
privilege of anticipatory bail.

9. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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