

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83285 of 2023

Arising Out of PS. Case No.-733 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Raj Kumar Chaudhary, Male, aged about 42 years, Son Of Gopal Chaudhary,
resident of village - Kali Ghat, Kotwa Narayanpur, Police Station - Narhi,
District - Ballia (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jai Prakash Dinkar, Male aged about 44 years son of Bhrigu Nath Bhagat,
resident of village - Chausa, Police Station - Buxar (Muff.), District - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
		Mr. Anurag Kumar, Advocate
For the O.P. No. 2	:	Mr. Anand Kumar Ojha, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, State

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-05-2024 Heard Mr. Shashank Shekhar along with Mr. Anurag

Kumar, learned counsel appearing on behalf of the petitioner;

Mr. Anand Kumar Ojha, learned counsel appearing on behalf of

opposite party no. 2 and Mr. Pawan Kumar Chaurasia, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 733(C) of 2021, registered for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

3. Allegation against the petitioner is that he had taken
Rs. 3,15,000/- from the complainant on account of proving him



job in Indian Railways.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and have falsely been implicated in the present case. He further submitted that the petitioner and opposite party no. 2 were having business relationship and petitioner used to supply fish to the complainant and just to get back the money, which he could not return during Covid-19 pandemic, complainant has lodged a false complaint against the petitioner to put pressure on him that the petitioner has promised him to provide job in Indian Railways. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel for the opposite party no. 2 and learned APP for the State have vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that petitioner and complainant were having business terms and in course of the same, fact is evident from the complaint in which it has been admitted by the complainant that on early occasion, the complainant had given a sum of Rs. 1,90,000/- and thereafter, by different mode in course of business transaction. The allegation is that the complainant had given total amount of Rs. 3,15,000/- to the



petitioner for providing him job in Indian Railways.

7. Law is well settled in case of *Amarjeet Singh v. Devi Ratan* reported in *(2010) 1 SCC 417*, wherein, it has been held that "*the Court should never permit a litigant to perpetuate illegality by abusing the legal process.*"

8. In the present case, the complainant had not only given some money to the petitioner to provide him a job in Indian Railways in spite of the fact that he was knowing the fate of such promise. Complainant is a literate person and he is well acquainted with the procedure for appointment in Indian Railways. I find that the complainant had abused the legal process for unjust gain for himself. I don't find that the conduct, in any manner, can be held legal, however, at the same time, it is admitted that the petitioner and complainant were having business relationship and it has been admitted by the complainant that the petitioner used to supply fish to him. It *prima facie* appears that to put pressure on the petitioner, the complainant has filed the complaint.

9. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class Court No.12, Buxar, in connection with Complaint Case No. 733(C) of 2021, subject to the condition that petitioner will settle the dispute amicably in accordance with law and other condition as laid down under Section 438(2) of the Cr.P.C.

10. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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