

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2768 of 2024

Arising Out of PS. Case No.-1467 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Subodh Kumar, Son of Jagdish Mahto, Resident of Village and P.O.- Bhatta,
P.S. - Roh urf Rah, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Randhir Kumar Son of Kailash Prasad Resident of Village-Panapur
Bateshwar, PS-Jandaha, District-Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr.Rabi Bhushan, Advocate
For the State	:	Mr.Shyam Kumar Singh, APP
For the O.P.No.2	:	Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 12-07-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party
no.2.

2. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No. 1467 of 2019,
registered for the alleged offences under Sections 420, 467, 468,
406 of the Indian Penal Code in which cognizance has been
taken under Sections 406 and 420 IPC.

3. As per the complaint case, the petitioner took
Rs.22,66,000/- from the complainant for procuring job for him
in the engineering wing of Indian Army. When the petitioner did



not manage the job, the complainant made him execute an agreement on non-judicial stamp paper for the money taken by the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The case against the petitioner is not believable as the petitioner is resident of Nawada and the complainant is resident of Vaishali and the agreement is stated to be executed in Silliguri. Furthermore, the story of procuring the job in Army is also not believable since, during the relevant time, the complainant was aged about 36 years, whereas the upper age limit for engineering service of Army is 25 years. It is also not believable that huge amount of cash has been transacted and no chit of paper is on record to show the transaction. The learned counsel further submits that the petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the complainant oppose the submission made on behalf of the petitioner. The learned counsel for the complainant submits that money was given at different points of time and when the complainant insisted for return, the petitioner executed a false agreement on a non-judicial stamp paper and thus



cheated the complainant of Rs.22,66,000/-.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the possibility of false implication as well as 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur, in connection with Complaint Case No.1467 of 2019, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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