

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71148 of 2025

Arising Out of PS. Case No.-562 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rahul Kumar Yadav @ Rahul Kumar Son of Rai Yadav @ Shree Ray
Resident of village - Chilrawa, P.S.- Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smita Kumari Wife of Sri Ajay Kumar Kushwaha Resident of village -
Chandi Sthan, P.S.- Govindganj, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-04-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No.2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 504
of the Indian Penal Code and Section 138 of N.I. Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that she had applied for the post of Data Operator in
P.H.E.D., Patna and had mentioned her mobile number on the
application form, the petitioner made a call on her mobile
number and assured her of the job in August, 2016 and



introduced her and her husband to Meena Kumari, who demanded Rs.3, 00,000/-, the complainant accordingly gave Rs.2,90,000/- to the petitioner but she did not get the job, thereafter complainant demanded her money back when two cheques of Rs.40,000/- were issued to the complainant, which on presentation for encashment bounced.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that if what has been alleged in the complaint is a true fact, in that event, the complainant equally is involved in committing an offence as she alleges that she paid an amount of Rs. 2,90,000/- to the petitioner for obtaining appointment through back door. It is next submitted that if petitioner is sent to judicial custody the same would amount to sending an accused to jail for not being able to perform an illegality.

5. At this stage, the learned counsel appearing on behalf of the O.P. No.2 submits that O.P. No.2 presently is not opposing the anticipatory bail application of the petitioner.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the case
is pending/successor court in connection with Complaint Case
No.C-562 of 2017, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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