

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 2279 of 2020**

Arising Out of PS. Case No.-50 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

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Dharam Sah @ Dharm Sah, Son of Sri Shyam Sah, Male aged about 35 years, Resident of Village - Bishnupur, Azadchowk Near Nav Yukub Durga Asthan Ward No.42, Post- Mirzapur Bandaur, PS- Town, District- Begusarai at present resident of Village- Chanakya Nagar, PO- Mirzapur Banduar, Ward No.39, PS- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s	:	Mr. Arun Kumar, with Mr. Deepak Kumar, Advocates
For the State	:	Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 05-08-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Arun Kumar along with Mr. Deepak Kumar, learned counsel for the petitioner and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Town PS Case No. 50 of 2019 dated 24.01.2019, instituted under Sections 419, 420, 406 and 120B of the Indian Penal Code.

4. The allegation against the petitioner is that he had introduced the informant to co-accused Manisha Kumari and her



husband, who had taken Rs. 5 lakhs from her in the presence of the petitioner for getting her grandson a job in the Civil Court at Khagaria as co-accused Manisha Kumari was introduced as a *Peshkar* in the Civil Courts, Khagaria, but the said did not materialize. It has further been alleged that the petitioner had taken her to the Corporation Bank from where Rs. 49,000/- was withdrawn by her and given to him. Further, allegation is that the co-accused had given copy of her I Card, PAN Card and Aadhar Card to the informant and when she went to ask for money, she was beaten and abused.

5. Learned counsel for the petitioner submitted that one daughter Putul Devi of the informant was working as a maid in the house of co-accused Manisha Kumari and Manisha Kumari lives in the same building where the petitioner is also a tenant and due to marriage of Babita Devi's son, who is another daughter of the informant, they had taken jewellery worth Rs. 1,15,912/- from the jewellery shop of the petitioner and still an outstanding demand of Rs. 8,912/- remains, which was not being paid due to which he has been implicated. It was submitted that even in the FIR, the allegation of giving money is to co-accused Manisha Kumari and not the petitioner. Learned counsel submitted that during investigation it has come that the



informant and her two daughters are in the habit of lodging such false cases, as earlier also they had implicated another person on the charge of having established physical relationship and taking money for getting her job in the Block office. It was submitted that there is no occasion for the petitioner to be involved in the transaction and most importantly, the money paid to him was in lieu of the ornaments which was purchased from his shop by the informant side, in support of which, learned counsel drew the attention of the Court to copy of the bill dated 01.03.2018, which has been annexed as Annexure-A to the supplementary affidavit filed on behalf of the petitioner, in the name of Babita Devi, who is the daughter of the informant, in which the alleged Rs. 49,000/- paid to the petitioner from Corporation Bank has been shown as part payment for the jewellery and still an outstanding amount of Rs. 8,912/- remains. Learned counsel submitted that co-accused Bhola Jha whose wife is alleged to have been clerk in the Civil Court, Khagaria has been granted anticipatory bail by judgment and order dated 16.03.2021 passed in Cr. Misc. No. 31691 of 2020 and the said lady, Manisha Kumari has also been granted anticipatory bail by a co-ordinate Bench by order dated 19.05.2021 passed in Cr. Misc. No. 31493 of 2020.



6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story. However, it was submitted that it has come that there was marriage of grandson of the informant i.e., son of Babita Devi and the parties are tenants of a common landlord.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the petitioner not being the person who had promised any job for the grandson of the informant as also indication that he being the owner of a jewellery shop, there was some transaction between the parties and other co-accused who were the persons and had assured the job, being granted pre-arrest bail, the Court is inclined to allow the prayer.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Town PS Case No. 50 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner



shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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