

(2012) 03 JH CK 0167
In the Jharkhand High Court
Case No : A.B.A. No. 442 of 2012

Jai Narayan Kunwar and Sanjay Kumar Singh @ Sanjay
Kunwar

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-03-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 406, 419, 420, 468

Citation : (2012) 03 JH CK 0167

Hon'ble Judges : Jaya Roy, J

Bench : Single Bench

Judgement

Hon"ble Mrs. Justice Jaya Roy

1. Heard counsel for the petitioners and counsel for the State. The petitioners are accused in a case registered under Sections 406/419/420/468 of the I.P.C.
2. Counsel for the petitioners has submitted that according to the complaint petition, the entire amount has been given to Ashok Kumar Singh who is accused no. 1 and the petitioners have no concern with the said accused. It is also submitted that the complainant has falsely implicated accused nos. 2 and 3 in this case.
3. Counsel for the complainant has submitted that the petitioner no. 1 is the father of accused nos. 1 and 3 (petitioner no. 2). He has further contended that the petitioners, after conspiracy, demanded a huge amount from the sixteen persons on the assurance to give them employment and when they gave such a huge amount of Rs. 24,00,000/- (Rupees twenty four lakhs) in total to accused no. 1, Ashok Kumar Singh, both the petitioners, who are father and own brother of accused no. 1, were also present. He has further contended that when the accused persons failed to give employment to those sixteen persons and the complainant demanded the aforesaid amount given by them, accused no. 1 gave a cheque of Rs. 12,83,000/- only to the complainant. Thereafter, the said cheque

was dishonoured by the Bank on the ground of insufficient fund. Thereafter, on repeated demand made by all the persons who had given money, neither the petitioners nor accused no. 1 had returned the said money.

4. From the record of the case and from the submission of the parties, it has come that petitioners are the own father and brother of the accused no. 1. It has further come that in presence of these two petitioners the complainant had given the aforesaid amount i.e. Rs. 24,00,000/- to accused no. 1, Ashok Kumar Singh, who is son of the petitioner no. 1 on the assurance that they will provide employment to the sixteen persons which shows the involvement of the petitioners also in this offence.

5. Considering all these aspects, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.