

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18078 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -MARANCHI District- PATNA

Vijay Mahto S/o Geeta Mahto Resident of Village- Maranchi Nepali Tola,
P.S Maranchi District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Rajesh
MR. Girish Chandra
For the informant : Mr. Arun Kumar Arun , Advocate
Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Maranchi P.S.Case No. 86 of 2015 registered for offences
punishable under Sections 406, 417, 420, 34 of the Indian Penal
Code and Section 138 of N.I. Act.

The prosecution case as lodged on the basis of written
petition before the Officer -in-Charge, Maranchi on 01.09.2015 by
one Manoj Kumar alleging therein that Dharmendra Kumar and
his elder brother Vijay Mahto (petitioner) came at the house of
informant and suggested him to invest money in land business



and also promised to return his money after three months with profit and thereafter informant gave Rs. 3,50,000/- to Dharmendra Kumar for agreement of 5 kathas land, which was in the name of Anita Verma. It is further alleged that the informant has further given Rs. 4, 20,000 for agreement of another plot measuring 7 bighas which is in the name of Kundani Devi and photocopy of the agreement was handed over to the informant but original was kept with the co-accused Dharmendra Kumar. After three months when the informant demanded his money then Dharmendra Kumar told that the land owner is demanding full payment and he again received 3,50,000/- through cheque from the informant. After three months when the informant demanded his money from Dharmendra Kumar then he told that he will give Rs. 8,00,000/- (capital+ profit) against the 5 katha plot and Rs. 10,00,000/- against the land of 7 bighas but he deposited Rs. 6 lacs and 10 thousand only in the account of informant. It is further alleged that when the informant went to house of Dharmendra and demanded his rest money he issued the cheque of Rs. 12 lacs but the same was dishonored by the Bank due to insufficient fund.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence and he has not issued a cheque in favour of the informant,

hence Section 138 of the N.I.Act is not applicable against him as cheques have been issued by one Dharmendra and not him.

It has further been submitted that the petitioner has no criminal antecedent and has been falsely implicated, just because co-accused Dharmendra Kumar had entered into money transaction with the informant regarding the sale and purchase of land and he being elder brother of the said co-accused has been falsely implicated.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of Sri Deepak Kumar, Judicial Magistrate, 1st class, Barh in connection with Maranchi P.S. Case No. 86 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--