

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55490 of 2015

Arising Out of PS.Case No. -239 Year- 2015 Thana -KADAMKUAN District- PATNA

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Manu Shankar Ghosh @ Monu Shankar Ghosh S/o Late Ashutosh Ghosh,
Resident of Mohalla- Rai Hassanpur chaitola, Bhikhna Pahari, P.S.
Kadamkuan, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in jail custody since
13.08.2015 in connection with Kadam Kuan P.S. Case No. 239
of 2015 registered for the offences punishable under Sections
323, 380, 406, 419, 420, 467 and 471 of the Indian Penal
Code. Complaint Case No. 1724(C) of 2015 filed by the
complainant was later converted into Kadam Kuan P.S. Case
No. 239 of 2015.

The prosecution case is that in the year 2009, the
complainant/informant came to know that the petitioner used
to arrange loan for unemployed youths under the Prime
Minister Employment Scheme from Udyog Bhavan and when



complainant/informant met him, he promised him that he will be given loan, but he imposed a condition that the machine shall be fixed in the portion of the house of petitioner, to which the complainant/ informant agreed. Thereafter, petitioner took Rs. 36,000/- as advance for leasing out his premises to the complainant/ informant for establishing Star Printing Press by the complainant/ informant on 20.11.2009. It is further alleged that the petitioner got the loan application form applied by the complainant/ informant in the name of his forged company, namely, Macon Consultancy Industrial House and further submitted quotation of Rs. 9,74,000/- in the name of fictitious company, Triveni International for supplying Offset Printing Machine, Paper Cutting Machine and Stitching Machine. It is further alleged that as per the quotation, petitioner was to supply machine within 20 days, but he supplied the same after two months and that too the second hand and damaged machines in place of new machines. It is further alleged that out of total sanctioned loan amount of Rs. 10,77,000/-, petitioner took Rs. 9,74,000/- in the name of his fictitious company and supplied old and damaged machines, which were of no use to the complainant/ informant and he sustained great loss. Lastly, it is alleged that the petitioner is in

habit of cheating by making forgery and he misappropriated the amount of the complainant/ informant also. It is also alleged that the petitioner has also cheated one Braj Bhushan Singh in the same manner and he has filed a case in Kadamkuan Police Station, which is still under investigation.

It has been submitted by the counsel for the petitioner that there was cordial business relationship between the petitioner and the complainant/ informant, but due to some dispute regarding accounts, the present false case has been filed against the petitioner. It has further been submitted by the learned counsel for the petitioner that although the date of occurrence is between 20.11.2009 to 23.03.2012, the complaint case has been lodged in the year 2015 indicating therein that there was good relationship between the petitioner and the complainant/ informant, but later on due to some dispute, the same became strained.

Learned A.P.P. appearing on behalf of the State, however, submits that the petitioner is also a co-accused in another case lodged by one of the witnesses, Braj Bhushan Singh.

Be that as it may, since the matter relates to money dispute, let the petitioner, named above, be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Shri Amit Kumar, learned Judicial Magistrate 1st Class, Patna in connection with Kadam Kuan P.S. Case No. 239 of 2015.

(Nilu Agrawal, J.)

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