

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55903 of 2018

Arising Out of PS. Case No.-612 Year-2015 Thana- MUFFASIL District- West Champaran

1. Manoj Verma @ Manoj Kumar Verma aged about 50 years, S/o Lalan Verma, R/o Godiapatti, P.S.- Bagha, District- East Champaran.
2. Sumeet Kumar @ Shri Vastav, aged about 35 years, S/o Murli Manohar Prasad, Resident of Magistrate Colony, P.S.- Rajiv Nagar, Dist- Patna. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Muffasil P.S. Case No. 612 of 2015 dated 13.11.2015 instituted for the offences under Sections 420, 406, 467, 506, 468 and 471 of the Indian Penal Code.

The petitioners, who are said to be running a Trust under the name of Sarv Kalyan Gramin Sansthan Charitable Trust, are alleged to have accepted Rs. 5500/- from the informant for providing him a job. Initially, a complaint was lodged but the same was converted into F.I.R.

The averments made in the F.I.R. is that on the pretext of giving service to various persons, money has been



accepted by the petitioners. However, later, it was found that the office of the aforesaid trust has been closed.

Learned counsel for the petitioners has submitted that except for the allegation by the complainant / informant, no other person has come forward with the allegation that he was made to deposit money in lieu of getting service.

Apart from this, it has been submitted on behalf of the petitioners that in fact the petitioner no. 1 is the trustee of the aforesaid Trust whereas the petitioner no. 2 has been assisting petitioner no. 1 in the running of the aforesaid Trust.

When the informant realized his folly of filing a wrong case, he became ready for settling the case with the petitioners. In fact, the informant appeared before the court below and expressed his unwillingness to prosecute the petitioners in the aforesaid case. However, the Additional District & Sessions Judge-3 directed the petitioners to approach the court below along with the affidavit of compromise and has further directed the court below to pass



orders in accordance with law without being prejudiced by the fact that the anticipatory bail petition was not entertained by the learned Additional Sessions Judge No. 3.

Regard being had to the nature of accusation and the unwillingness of the informant to prosecute the petitioners, which gets reflected from his appearance before the court below along with an affidavit of settlement, the petitioners above-named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Muffasil Payment 612 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

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(Ashutosh Kumar, J)

