

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12015 of 2019**

Arising Out of PS. Case No.-352 Year-2018 Thana- BASANTPUR District- Siwan

Nayak Manjhi Son of Late Madan Majhi Resident of village- Bharatpura,
P.S.- G.B. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 08-08-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Basantpur P.S. Case No. 352 of 2018, registered under Sections 406 and 420 of the Indian Penal Code and Section 138 of Negotiable Instrument Act.

The allegation against the petitioner, as per FIR lodged by Mrityunjay Kumar, is that the petitioner met the informant who was working as Nazir in Anchal Office in connection with LPC. The informant told the petitioner that he would provide a job to him within three months, if a sum of Rs. 1,15,000/- would be paid to the petitioner by the informant. It has further been alleged that after expiry of three months, when the informant told the petitioner to return the money, the



petitioner refused to return the same. It has further been alleged that the petitioner has taken money on the pretext of providing job and on when he presurized to the petitioner to return back the money, the petitioner issued cheques in favour of the informant, but all the cheques got dishonoured.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case, he further submits that neither the date and time of occurrence has been mentioned in the First Information Report nor the date on which the money has been paid by the informant in favour of the petitioner. He further submits that the petitioner is Government servant and working as Nazir in Circle Office and has falsely been implicated under a conspiracy and oblique motive.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is in habit of accepting money from the unemployed youths inasmuch as the petitioner had taken money from some of the persons who have already signed upon FIR in the name of providing job to them. He further submits that when the job was not provided to them, then they demanded their money back and the petitioner issued cheque in favour of



them, which ultimately dishonoured.

After having heard learned counsel for the parties and taking into consideration the fact that there is no specific allegation against the petitioner and the FIR does not mention the date and time of payment of Rs. 1,15,000/- allegedly made to the petitioner by the informant and further no material has come in the statement of the persons, who had allegedly paid the amount to the petitioner for getting job and petitioner is Government servant, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Bansantpur P.S. Case No. 352 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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