

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18725 of 2019

Arising Out of PS. Case No.-425 Year-2018 Thana- KOTWALI District- Munger

VINOD KUMAR @ MANTU Son of Late Jagdish Prasad Resident of
Mohalla- P.C.- Dutta Colony Betwan Bazar, P.S.- Kasim Bazar, District-
Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21240 of 2019

Arising Out of PS. Case No.-425 Year-2018 Thana- KOTWALI District- Munger

USHA KUMARI W/o Narendra Kumar Resident of - B/150 PTS, NTPC
Township, Deepti Nagar, P.S.- Lalpur, Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18725 of 2019)

For the Petitioner/s : Mr.Sushmita Mishra

For the Opposite Party/s : Mr.Anand Kishore Choudhary

(In CRIMINAL MISCELLANEOUS No. 21240 of 2019)

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 20-11-2019 Petitioner in both the above mentioned cases,

apprehend their arrest in connection with Munger Kotwali P.s.

Case No. 425/2018 registered for offences punishable under

Sections 406 and 420 of the Indian Penal Code and Section 138

of N.I. Act.

Prosecution case is that petitioner Vinod Kumar



Mantu introduced the petitioner Usha Kumari and co-accused Sangeeta Devi to informant and they proposed to sell the land situated near Chandi Sthan, which is an area of two kathas, for which, an oral agreement was reached between the parties and it was decided that consideration money of the aforesaid land will be Rs. 19,51,000/-, thereafter, informant transferred an amount of Rs. 6,50,000/- in the account of petitioner Usha Kumari and Rs. 6,00,000/- in the account of co-accused Sangeeta Devi and Rs. 7,01,000/- in cash to the petitioner and the execution of sale deed was to be done on or before May 2018 but it is alleged that they did not execute sale deed nor returned the money and, thereafter, it is alleged that petitioners issued three cheques, which were dishonored by the bank on presentation.

Submission of learned counsel appearing on behalf of petitioner Vinod Kumar Mantu is that he is only a mediator between the parties and have falsely been dragged in this case and the land could not be executed as the informant could not pay the remaining amount and co-accused Sangeeta Devi is still ready to execute the sale deed, if informant pays the entire amount of Rs. Twenty Five Lakhs.

Learned counsel appearing on behalf of petitioner Usha Kumari has submitted that she has also falsely been roped



in the present case and she is no way in the picture and F.I.R. itself disclose that it is dispute of money transaction between the parties.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has opposed the prayer for anticipatory bail and submitted that in spite of payment of agreed amount, the petitioner Vinod Kumar Mantu in connivance with petitioner Usha Kumari and co-accused Sangeeta Devi has not executed the sale deed and not returned the money and even the cheques given by them has also been dishonored.

Having heard both sides, considering the facts and circumstances of the case and also the fact that the dispute relates to money transaction between the parties, let the petitioners, in both the above mentioned cases, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Munger Kotwali P.s. Case No. 425/2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is further subject to the condition that petitioners will cooperate in investigation of the case and they will appear as and when required by the police, otherwise, prosecution will be at liberty to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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