

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24933 of 2019**

Arising Out of PS. Case No.-109 Year-2018 Thana- BARIYARPUR District- Munger

Manoj Kumar Son of Brahmadeo Mandal Resident of Village- Diwani Tola,
P.S.- Bariyarpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar

2. Sudhir Mandal S/o late Bhumi Mandal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

5 05-08-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner who is in custody since 16.01.2019 has filed the instant application for grant of bail in connection with Bariarpur P.S. Case as No. 109 of 2018 registered for the offence punishable under sections 406, 420, 427, 504, 506 and 34 of the Indian Penal Code.

As per the allegation in the FIR it is stated by the informant that on the instigation of the petitioner, the informant arranged money from different sources for the purpose of purchasing land and between 22.12.2015 to 27.06.2018 gave a sum of Rs. 19,58,700/- to the petitioner who was to help in purchase of the land. Thereafter, it is alleged that the petitioner started avoiding him. It later transpired that from the amount given by the informant, the petitioner had purchased land



measuring an area of 12 Kathas in his own name. It is further stated that on being confronted the petitioner told the informant that he would transfer the land in the informant's name but later started to abuse the informant and threatened to destroy him. It is further stated that the informant made a complaint in the Gram Kuchahary on which the petitioner along with other came to his house, abused and threatened him.

It is submitted on behalf of the petitioner that the allegations as levelled by the informant are false and concocted. No transaction of money has taken place between the parties. The petitioner has been falsely implicated because of land dispute between the families. It is further submitted that the amount of Rs. 15,50,500/- credited in the Bank account of the petitioner was deposited by the petitioner himself. The petitioner is in jail custody since 16.01.2019.

A counter affidavit has been filed on behalf of the Opposite Party no. 2 i.e. the informant in the instant case. It is submitted by learned counsel for the informant that the petitioner is an accused in Bariarpur P.S. Case No. 99 of 2013 which he has suppressed. A total sum of Rs. 19,58,700/- in several instalments were given by the informant to the petitioner in between 22.12.2015 to 27.06.2018 and further Rs. 7.5 lacs



was deposited in the petitioner's Account no. 32200110023560 of Bihar Gramin Bank, Bariarpur Branch. It was further submitted that two Bank deposit requisition slips are available with the informant and that the matter was taken by the informant to the Gram Kuchahary where the Case no. 23 of 2018 was registered. It was finally submitted that the petitioner had committed offence of criminal breach of trust.

Learned APP appearing for the State also opposed the application for bail.

Having heard learned counsel for the parties and taking into consideration the nature of allegation being one of money transaction with respect to purchase of land as also the fact that the petitioner is in custody since 16.01.2019, the Court is inclined to enlarge the petitioner on bail. Let the petitioner be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate II, Munger in connection with Bariarpur P.S. Case No. 109 of 2018.

It is further directed that on release, the petitioner shall remain present in the Court below in course of trial on each and every date. In case of the petitioner's absence on two



consecutive dates for reasons not to the satisfaction of the learned Trial Court, the learned Trial Court shall proceed to cancel the bail of the petitioner.

(Partha Sarthy, J)

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