

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29694 of 2019

Arising Out of PS. Case No.-3749 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Manish Kumar Vishwarkarma @ Manish Kumar, Son of Janardhan
Vishwakarma Resident of Simri Nawada P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Pandey, Son of Sri Chandraket Narayan Pandey, Resident of
Village-Bhikhachak, P.S.-Gardanibagh, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 27-09-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 3749 (C) of 2016,

disclosing offences under Sections 406, 323 and 379 of IPC.

The complaint case disclosed that the complainant
had given Rs.12 lacs to the petitioner and other accused persons
for purchase of a land, but in spite of persuasion neither
agreement paper was given nor the sale deed was executed and
there is further allegation that when he made complaint about
the same, the petitioner has assaulted and committed theft of
Rs.50, 000/-.

Submission of the learned counsel for the petitioner is
that even according to the complaint petition, there is no chit of
paper to show that the payment of Rs.12 lacs nor any agreement



paper is available on the record. It has further been submitted that the petitioner could not mention the detail of the case in para 3 as stated by the learned counsel for the opposite party no.2 on the last date, as he has acquitted in that case. In that connection he has also filed a supplementary affidavit.

Heard learned A.P.P. also.

Nobody appears on behalf of opposite party no.2, though a *vakalatnama* has been filed on his behalf.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his 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) with two sureties of the like amount to the satisfaction of learned A.C.J.M.-cum-CBI-I, Patna, in connection with Complaint Case No. 3749 (C) of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that he has to co-operate in disposal of the complaint case and appear as and when required.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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