

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52247 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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MANISH KUMAR @ MANISH PRASAD MODANWAL Son of Late Nand Lal Prasad Resident of Village- Bankatwa, P.S. - Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SANT MISTRI @ SANT PADIT HARIHAR PADIT RESIDENT OF VILLAGE-BANKATWA KOIRPATTI P.S. BAGAHA DIST-WEST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Ranjan
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2019 Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 272C of 2018, in which cognizance has been taken for the offences under Section 323, 406 and 420 of the Indian Penal Code.

The allegation against the petitioner, as per the complaint, is that the petitioner had taken a loan of Rs. 2,00,000/- from the complainant and Rs. 1,00,000/- from the witness Rambachan Ram on 31.10.2013 with a promise to



return the same under an agreement within a period of three years. It has further been alleged that in violation of the agreement, the petitioner did not return the loan amount to the complainant and other.

Learned Counsel for the petitioner submits that on perusal of the complaint, no *prima facie* case is made out under the above mentioned sections inasmuch as this case is merely a case of money transaction and in abuse of the process of criminal court, the present complaint has been filed.

On the other hand, learned Counsel for the Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the petitioner in breach of the agreement has not returned the loan amount to the complainant and other and, as such, he does not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the dispute relates to money transaction between the parties, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Manish Kumar @ Manish Prasad Modanwal, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in connection with Complaint Case No. 272C of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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