

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53586 of 2019

Arising Out of PS. Case No.-940 Year-2014 Thana- COMPLAINT CASE District- Supaul

DILIP KUMAR MANDAL S/o Late Dukha Mandal Resident of Village-
Chhatapur, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Devi W/o Ranvir Yadav Resident of Dhawahi, P.S.- Ekrabad,
District- Aligarh (Uttar Pradesh). At present residing at Village and P.S.-
Chhatapur, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 22-10-2019 This application, for grant of anticipatory bail, arises out
of Complaint Case No. 940C/2014, disclosing offences under
Sections 406, 420, 323, 504 of the Indian Penal Code.

In this case earlier Dasti summon was directed to be
issued to complainant – opposite party no. 2 and now affidavit has
been filed that Dasti summon has been refused to accept by
complainant – opposite party no. 2. In such view of the matter, this
case is being heard on merit.

As per complaint petition allegation against the petitioner
is that he has taken Rs. Five Lakhs from the complainant for
construction of house but he neither constructed the house nor
returned the money.

Submission of learned counsel for the petitioner is that



only Rs. 1,50,000/- has been given by the complainant, which is evident from the Cheque and so far the claim with regard to Rs. 5,00,000/- is concerned, the same is false and concocted and he is ready return the above stated amount of Rs. 1,50,000/-.

Heard learned A.P.P. also.

In this case notice was issued to complainant – opposite party no. 2 and as per affidavit, she refused to accept the notice.

Having heard both sides, considering the facts and circumstances, this application is disposed of with direction to the petitioner to surrender in the court below by 26.11.2019 along with a Bank draft of Rs. 1,50,000/- payable in the name of complainant and the court below after verifying the same, shall release the petitioner on bail on furnishing bail bonds of Rs. 25,000/ - (Rs. Twenty Five Thousand) to his own satisfaction.

It is made clear that if opposite party no. 2 appears before the court below and filed an application for release of the above stated bank draft of Rs. 1,50,000/ - the same shall be released by the court below in favour of complainant – opposite party no. 2 with an undertaking that the same will be subject to final outcome of the case.

(Vinod Kumar Sinha, J)

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