

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6696 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- BASANTPUR District- Siwan

NAYAK MANJHI Son of Late Madan Manjhi Resident of Village -
Bharatpura, P.S.- G.B.Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv

For the Opposite Party/s : Mr.Dashrath Mehta, APP

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 01-10-2020 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 406/420 of the Indian Penal Code and Section 138 of N.I. Act.

Informant has alleged that petitioner had persuaded him to purchase a piece of land and thereafter he gave rupees three lakh for the same on 12.08.2017 but petitioner neither executed sale deed in his favour nor returned money to him and when the informant pressurized him to return the money, the petitioner issued two cheques of State Bank of India but the same was dishonored.

It has been submitted on behalf of the petitioner



that he is innocent and has falsely been implicated in this case. It is further submitted that as per the allegation, the alleged amount was taken on 12.08.2017 but the FIR was lodged on 11.02.2019, i.e., after delay of one and half years without any sufficient explanation. It is further submitted that informant has taken rupees one lakh from the petitioner and when the petitioner asked him to return the same, informant filed this false case to grab the money given by the petitioner.

Learned counsel for the petitioner submits that petitioner is ready to pay Rs. 70,000/- to the informant through cheque which is the amount for which cheque was earlier issued by petitioner in favour of informant and same was dishonoured.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan, in connection with Basantpur (Lakdi Nabiganj O.P.) P.S. Case No. 30 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following



conditions:-

(1) Petitioner shall pay Rs. 70,000/- within 3 months to the informant through cheque and only thereafter bail bond of petitioner shall be accepted by the trial court, if the petitioner fails to pay the total amount of Rs. 70,000/- within 3 months, he will not be released on anticipatory bail.

(S. Kumar, J)

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