

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28775 of 2020**

Arising Out of PS. Case No.-340 Year-2019 Thana- GOPALPUR District- Bhagalpur

MANORANJAN KUMAR JHA @ MANORANJAN KUMAR RAI S/o Shiv
Narayan Rai @ Shiv Narayan Jha Resident of Village-Amoun, P.S.-Falka,
District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Jagdhar Prasad, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Gopalpur (Rangra) P.S. Case No. 340 of 2019, for the offence punishable under Sections 406, 420, 341, 323, 379, 504 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the co-accused persons namely Bhagwati Jha, Shailja Devi and the petitioner herein had entered into an agreement with the



informant on 22.09.2016 for the purposes of sale of their property to the informant and the sale consideration was fixed at the rate of 10,00,000/- per katha, whereafter the petitioner and other co-accused persons had received a sum of Rs. 5 lacs as an advance and the petitioner had also taken a further sum of Rs. 90,000/- from the informant, however, subsequently the accused persons did not get the land in question registered in the name of the informant, hence have defrauded the informant and cheated him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the allegation levelled against the petitioner herein is purely in the nature of civil dispute and the remedy of the informant lies before the competent civil court having appropriate civil jurisdiction.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that



primarily the allegations levelled by the informant are in the nature of civil dispute and moreover, the petitioner is not the owner of the land in question, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 340 of 2019, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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