

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21463 of 2021

Arising Out of PS. Case No.-553 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Manoj Prasad Jaiswal @ Manoj Kumar aged about 45 years, Male, Son of
Late Paras Sah Resident of Village - Chanpatia, P.S.- Chanpatia, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Diwakar Upadhyaya Ms. Preety Kunwar
For the Opposite Party/s	:	Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 24-06-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Bettiah Town P.S. Case
No. 553 of 2020, registered for the offence under Sections 406,
420, 506, 34 of the Indian Penal Code.

As per the prosecution case, this petitioner and his
brother Krishna Prasad Jaiswal took Rs. 34,45,000/- (thirty four
lacs & forty five thousand) from the informant on the assurance
that his money will be returned with 33 percent interest, but
later on, they did not return his money and when the informant
demanded his money, then petitioner and his brother took time
on one pretext or the other and thereafter, it is alleged that wife
of co-accused Krishna Prasad Jaiswal gave threatening to



informant for implicating him in a false case.

It is submitted on behalf of petitioner that neither any amount has been credited to the account of petitioner nor cash has been paid to him and as such, no case under Sections 406, 420, 506, 34 of the I.P.C. is made out against the petitioner. As per F.I.R. also, the informant has given his money, as alleged, in cash to co-accused Krishna Prasad Jaiswal and in the account of son and daughter of Krishna Prasad Jaiswal. The petitioner is separate from his brother Krishna Prasad Jaiswal and has got no concern with him. Petitioner claims clean antecedent and he is in custody since 16.12.2020.

Learned A.P.P. for the State has vehemently opposed the bail petition and submitted that there is specific allegation against petitioner and his family members of cheating informant's money. During course of investigation, it has also come that petitioner and his family members have cheated several people and committed fraud of Rs. 8 to 10 crores of money.

Considering the rival submissions of the parties, materials available on record and the fact that as per FIR, not a single penny has been paid to the petitioner or credited to his bank account, the bail petition of petitioner is allowed. Let the



above named petitioner 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 C.J.M., Bettiah (West Champaran) in connection with Bettiah Town P.S. Case No. 553 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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