

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9615 of 2020

Arising Out of PS. Case No.-158 Year-2019 Thana- BIHARIGANJ District- Madhepura

VIVEK ROY @ MANTU @ MANTOO Son of Shivanand Roy @ Shibanand Roy Resident of Village - Mohanpur, Brahman Tola, Ward No. 3, P.S.- Bihariganj, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-11-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 420/406 of the Indian Penal Code.

The petitioner, who happens to be maternal uncle of the informant, is said to have taken Rs.2,00,000/- on the pretext that he would get the sale deed executed in respect of a land but neither the sale deed was executed nor the money was returned.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact,



the informant had deposited Rs.50,000/- only in the account of the petitioner for the purpose of purchasing the land in question. It is further submitted that the brother-in-law of the petitioner-cum-neighbor of the informant has refused to sell his land to the informant. The petitioner has returned Rs.5,000/- to the informant and he is ready to pay the rest amount of Rs.45,000/-. The petitioner has not taken Rs.1,50,000/- as alleged. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

However, the petitioner is ready to pay rest amount of Rs.45,000/- to the informant within eight weeks.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail**, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihariganj P.S. Case No. 158 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned court below is directed to confirm the



provisional bail of the petitioner after satisfying himself that the rest amount of Rs.45,000/- has already been paid to the informant.

(Anjani Kumar Sharan, J)

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