

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14393 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- SIWAN COMPLAINT CASE District-
Siwan

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MANBODH PRASAD @ MANBODH MANJHI Son of Late Devnagar
Manjhi Resident of Village- Purb Khalwa, P.O. Khalwa, P.S.- Nautan,
District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Manjhi S/o Late Balchan Manjhi Resident of Village- Purb Khalwa,
P.O. Khalwa, P.S.- Nautan, District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Subhash Kumar
For the Opposite Party/s :	Mr.Anuj Kumar Shrivastava
For the Opposite Party/s :	Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 419,
420 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
Munna Manjhi in the complaint alleges that his father Balchand
Manjhi was working on the post of *Chowkidar* in Nautan Thana
in Halka No. 6 who died in the year 1995, it is further alleged
that after death of his father he was working on the post of



Chowkidar for the last 20 years in the Nautan Thana on the instruction of S.H.O. of Nautan P.S. but the accused persons took his signature on the blank paper on the assurance of his permanent service. It is further alleged that petitioner used the blank signed paper for his own service on the post of *Chowkidar* in Halka No. 6 and when the complainant came to know that petitioner has played fraud with him and has got the service of *Chowkidar*, a panchayati was held and then it came to light that petitioner was working in sugar factory at Uttar Pradesh and suppressing this fact he was also working at the post of *Chowkidar* of Nautan Thana. It is further alleged that petitioner's date of birth is 07.02.1952 and his date of retirement is 06.02.2012, further a complaint was made to the S.H.O., Nautan P.S. and to the I.G. of Police but no action was taken, it is further alleged that the petitioner after his retirement from sugar industry, Uttar Pradesh entered into an agreement with the complainant that an amount of Rs. 10,000/- would be given to him per month from 13.04.2016 but not a single penny was paid to him, it is next alleged that when the complainant demanded his arrears of money from the petitioner, the petitioner refused to give him and threatened to kill.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, complainant in the complaint alleges that his father died in the year 1995 and thereafter fraudulently the petitioner obtained appointment as *Chowkidar* in his place, learned counsel submits that when the petitioner is working from 1986 then how come he could have taken appointment based on fraud in 1995 as the appointment letter at Annexure-3 clearly records that the appointment was made on 13.05.1986. Learned counsel submits that the petitioner retired in the year 2021 and thereafter the present complaint came to be instituted that in itself demonstrates that complainant for some ulterior reason has instituted the present complaint after an inordinate delay without any plausible explanation.

Learned counsel for the petitioner further submits that the complainant has abused the process of Court by instituting a false complaint case which gets manifested from the fact that the complainant himself alleges that his father died in 1995 when the petitioner is working from 1986, it is next submitted that a proper inquiry into the conduct of the complainant is required by the police that as to why such frivolous complaint came to be instituted and that too only with a view to harass the petitioner in order to extort.



Learned A.P.P. for the State and the learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the appointment was made in 1986 and the petitioner retired in 2021 and no case in between said period was ever filed.

Considering the submissions made by the learned counsel for the petitioner and prima-facie since it appears to the Court that the complaint is frivolous, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each 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 Complaint Case No. 144 of 2021, Trial No. 2709 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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