

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15659 of 2020

Arising Out of PS. Case No.-744 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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KAMAL NARAYAN MANDAL (K.N. MANDAL) S/o Sitaram Mandal R/o Mohalla- Naya Tola, P.S.- Motihari Town, District- East Champaran. At present Kamal Narayan Mandal (K.N. Mandal) aged about 66 years (Male)S/o Sitaram Mandal Bursar L.N.D. College Motihari, District- East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rajesh Kumar S/o Late Shivnandan Singh R/o Mohalla- Sri Krishna Nagar, P.S.- Town Motihari, Distt.- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bal Govind Sharma
For the Opposite Party/s :	Mr. Uday Pratap Singh
	Mr. Vijay Shankar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 14-11-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under sections 406, 420/34 of IPC and 138 of N.I. Act.

Allegedly, the petitioner along with other accused persons published notice for allotment of shop by a college within northern premises of the college, for which the informant purchased forms and filled up the same for allotment of one shop. It is further stated that some other persons have also purchased the forms and deposited amount of Rs.260000/-,



130000 and 130000 was to deposit in the account no.1009221130000216 of Uttar Bihar Gramin Bank Red Cross Branch, Motihari in different dates. It is further stated that due to objection of Nagar Palika construction work got stopped then the informant demanded his money. It is further stated that he has given legal notice to the accused persons but they have not replied to that.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He further submits that when the petitioner has joined as principle of L.N.D. College then he finds out that an unauthorized account is running on the college name. The petitioner neither demanded money nor he has taken money from any person and he has no liability of any payment. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is a specific allegation against the petitioner and the principle for misappropriating the



money of the informant.

Having regard to the facts and circumstances of the case,
I am not inclined to enlarge the petitioner named above on bail.
The prayer for grant of anticipatory bail on behalf of the
petitioner is rejected.

This instant application is dismissed.

(Anjani Kumar Sharan, J)

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