

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38198 of 2022

Arising Out of PS. Case No.-1010 Year-2021 Thana- ARA NAWADA District- Bhojpur

MANOHAR KUMAR JHA Son of Pramod Jha Resident of village - Balua
Bazar, P.S. - Balua Bazar, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Ara (Nawada) P.S. Case no. 1010 of 2021 instituted for the offence under Sections 420, 406, 34, 120B of the Indian Penal Code.

The prosecution story as per the FIR is that, the informant is a proprietor of Second Choice Institute, in which the work of buying and selling of old vehicles is done. The work of buying and selling was being conducted through Rana Abhisekh, the manager of the Indicator's Institute and Rahul Kumar has an institute in Patna by the name of Car World. Through Rana Abhisekh, it was decided to buy a Wagon R Car



from Rahul Kumar for Rs. 3,70,000/- and the document regarding this was sent on the WhatsApp of the informant and it was told that the vehicle belongs to Manohar Kumar Jha. After everything was settled with Rahul Kumar, the informant sent his manager with Rs. 3,70,000/- to Car World and both the men brought said vehicle from petitioner on 07.03.2021 and said that NOC will be available in a week. After a few days, Rahul Kumar told to the informant to return the vehicle because car was on loan and it is his responsibility to take back the money from Manohar Jha and give it to you. On the same night, on 06.09.2021, Rahul's driver along with Rana Abhisekh went to Patna with Rahul along with all the paper and Rahul told the informant over phone that the car was looted but it was accepted by Manohar Jha that the vehicle was with him. It further alleged that a conspiracy has been hatched by them to steal the vehicle and money.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. It is admitted fact that the petitioner want to sale the vehicle and has sold to Rana Abhisekh on the basis of the agreement made worth of Rs. 3,70,000/- out of Rs. 1,20,000/- given to the petitioner and



remaining amount will be given in last week of August 2021 to Manohar Jha and petitioner undertake NOC shall be given to till April 2021 and further agreed that due amount will not paid otherwise the vehicle shall be returned to petitioner. The petitioner did not obtain NOC of the said vehicle, not handed over to Rana Abhisekh nor Rana Abhisekh gave due amount to the petitioner, thereafter purchaser co-accused Rana Abhisekh has returned vehicle to the petitioner on 04.09.2021 and also sent message on WhatsApp inter-alia stated that since 04.09.2021, he is not responsible of the vehicle. It is further submitted that on the basis of agreement made on 07.03.2021, petitioner sold the said vehicle of Rs. 3,70,000/- and Rana Abhisekh paid as token money worth of Rs. 1,20,000/- and was under agreement that petitioner shall be given NOC, soon after obtaining NOC from the Bank thereafter co-accused Rana Abhisekh will pay due amount of Rs. 2,50,000/-, if any, the agreement will fail, then vehicle will be returned to petitioner and token money shall be returned to co-accused Rana Abhisekh. On the basis of the compromise said vehicle was returned to the petitioner and amount of Rs. 1,20,000/- given to Rana Abhisekh thereafter vehicle returned on 04.09.2021 and also stated that he will not respinsible about the vehicle. It is



clear that petitioner is concerned to the informant thus aforesaid case is completely concocted and he has falsely been made accused in this case.

Learned APP appearing for the state has opposed the prayer of anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Ara (Nawada) P.S. Case no. 1010 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ara subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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