

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45770 of 2022

Arising Out of PS. Case No.-232 Year-2015 Thana- HARNAUT District- Nalanda

Manish Kumar, Son Of Mahesh Prasad Singh Resident Of Village - Bajitur,
P.S.- Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar, Son of Mahesh Chandra Singh Resident of village -
Muthari, P.S.- Harnaut, District - Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma- Sr. Advocate
Mr. Madhav Raj- Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 420,
406, 467, 468, 471 and 120B of the Indian Penal Code.

The learned senior counsel for the petitioner submits
that the petitioner is a person with clean antecedent and this is
the second attempt of the petitioner to seek anticipatory bail
when earlier his anticipatory bail application was rejected by
order dated 25.05.2017 in Cr. Misc. No.19850 of 2016
(Annexure-1).

The learned counsel for the petitioner submits that



from perusal of order dated 25.05.2017, it would manifest that an opportunity was given to the petitioner that in the event, if he deposits the defalcated amount of Rs.7,15,800/- and thereafter, surrenders, then the Court below shall consider his case favourably.

The learned senior counsel for the petitioner submits that the present application has been filed in view of the changed circumstances and not on the ground on which the earlier anticipatory bail application was rejected. It is next submitted that the anticipatory bail of the petitioner earlier was rejected by order dated 25.05.2017, thereafter the police after investigation submitted final form dated 16.10.2017 (Annexure-4), but the learned Magistrate differing with the final form took cognizance on 09.08.2018. The learned senior counsel thus submits that when one investigating agency after threadbare investigation found the case against the petitioner to be false, then based on the same investigation what material were there before the learned Magistrate to proceed and take cognizance. It is next submitted that it amply demonstrates that the order of cognizance was mechanical.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Harnaut (Gokhulpur) P. S. Case No.232 of 2015, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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