

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53732 of 2021

Arising Out of PS. Case No.-819 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MANOJ KUMAR SRIVASTAVA SON OF LATE AMBIKA PRASAD C/O
LATE JANARDAN SINGH (NETA JI KA MAKAN), R/O VILLAGE-
DHOBIA GALI, RAMBAG, P.S- MITHANPUR, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRABHAT RANJAN SON OF LATE SHASHI BHUSAN SINHA
RESIDENT OF MOHALLA- JANKI BALLABH SHASHTRI PATH,
RAMBAG, P.S- MITHANPURA, DIST- MUZAFFARPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Adv.
For the Opposite Party/s : Mr.Mohammad Sufyan, APP
Mr.Mazharul Hassan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 26-07-2022 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned Additional Public Prosecutor
for the State.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 406 of the IPC.

Allegedly, the petitioner in association with his daughter
has cheated the money of the complainant in the name of



executing sale deed of a land.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case on assumption only. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Complainant is a land broker and the petitioner was an agent of complainant doing broker on his behalf and during the same, Mahadnama has been prepared on the instance of complainant. Some money remained due against complainant and when the same was demanded, this false has been lodged. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail. It is submitted that the petitioner had promised the complainant that he would return the money and in case money is not returned to him, his daughter will execute sale deed in his favour but till date the same amount has not been paid nor the sale deed has been executed.

Having regard to the facts and circumstances of the case, since there is a civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his arrest or



surrender before the learned Court below within a period of six 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 Complaint Case No.819 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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