

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69292 of 2021**

Arising Out of PS. Case No.-1337 Year-2010 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Umesh Prasad S/O Prasadi Mahto R/O Village- Itaura, P.S.- Manpur, District-
Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Umesh Kumar S/o Shri Raghunandan Prasad Village- Utmanpur, P.S.-
Ekangarsarai, District- Nalanda, at present Umesh Prasad C/o Satish Prasad,
Patel Colony, (Northern Side of Nalanda College), P.S.- Bihar, District-
Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under

Sections 406 of the Indian Penal Code and Section 138

of the Negotiable Instruments Act.

The prosecution case as per complaint petition

is that the petitioner being introduced himself as the



agent of installation of mobile tower had taken Rs. 3 lakhs from the complainant and his other relatives to install mobile tower at their premises but neither mobile tower was installed nor money was returned.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is no documentary proof to show that petitioner had taken any money from the complainant or his relatives for installation of mobile tower. Moreover, for the alleged incidence of 2008, the complaint has been filed in 2010 which clearly shows that the story as narrated is afterthought. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

It appears that vide order dated 07.07.2022, notice was issued to the complainant/O.P. No. 2 for his appearance and petitioner was granted provisional anticipatory bail. None appears on behalf of the complainant.



Considering the facts and circumstances of the case, the provisional bail granted to the petitioner vide order dated 07.07.2022 is hereby confirmed.

(Sunil Kumar Panwar, J)

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