

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53552 of 2023

Arising Out of PS. Case No.-271 Year-2020 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Manoj Kumar Jha Son of Late Jeevnath Jha Mohall Resident of Mohalla
-Dilkhush Bag, Rambag, P.S. - L.N.M.U., Distt Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Kumar Pansari Son Of Late Hari Prasad Pansari Resident Of
Mohalla- Rajkumar Ganj, Ps- Town (Darbhanga), Dist- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with C.R. No. 271 of 2020, filed on 04.03.2020 in which processes have been directed to issued after cognizance being taken for the offences under Sections 409 and 420 of the Indian Penal Code.

3. As per prosecution case, the complainant has filed a complaint against the petitioner and other co-accused persons alleging that the complainant paid Rs.20,63,000/- through cheque to the petitioner for supply of tyres and lubricants but the petitioner did not supply the material though he has



encashed the cheque. When the complainant demanded his money back, the petitioner started evading and on 02.03.2020, the petitioner and other co-accused persons came and forcibly took signature of the complainant on a blank stamp paper for receiving of payment of Rs.20,63,000/- at the gun point.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It was the complainant who duped the petitioner as earlier citing his feeble financial condition, he took loan of Rs.20,00,000/- from the petitioner and returned the same. Thereafter, the complainant offered the petitioner to sell his land and rate of Rs.21,25,000/- was fixed but due to friendship between the parties no agreement to sell was executed. In this manner, the complainant succeeded in getting Rs.19,25,000/- from the petitioner. Meanwhile, the complainant sold the land to some other person from whom he has taken money and the petitioner filed complaint case being C.R. No. 1189 of 2019 against the complainant of the instant case for the offences under Sections 323, 406 and 504 of the Indian Penal Code. Learned counsel further submits that when the petitioner filed complaint against the complainant of this case, thereafter the instant case has been lodged by the complainant with false



allegation. Learned counsel further submits that the petitioner has got no criminal antecedent.

5. Learned APP as well as learned counsel appearing for the complainant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the complainant submits that there is specific allegation against the petitioner that he encashed Rs.20,63,000/- which was paid to him for supply of tyres and lubricants but neither he supplied the same nor money has been returned.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of dispute between the parties which appears to be civil dispute over some money transaction in the background of earlier dispute and already a complaint was lodged by the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Darbhanga/concerned court in connection with T.R. No. 1508 of 2023, arising out of C.R. No. 271 of 2020, subject to the condition as laid down under Section 438(2) of the Code



of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative
of the petitioner.

(ii) The petitioner will remain present on
each and every date fixed by the court below,
if so required by the learned trial court.

(Arun Kumar Jha, J)

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