

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52212 of 2022

Arising Out of PS. Case No.-247 Year-2020 Thana- SASARAM NAGAR District- Rohtas

MANOJ KUMAR Son of Prahlad Seth Resident of Daudnagar, Police Station
- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Binod Kumar Singh, Adv.
For the Opposite Party/s :	Mr.Pranav Kumar, APP.
	Mr. Sanjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-03-2023 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defect (s), as pointed out by the office, within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 364, 120(B)/34 of the Indian Penal Code.

The prosecution, in brief, is that the informant's son Akash Kumar was working in a jewellery shop of Manoj Kumar situated in Shobhaganj, Sasaram. The informant, with a view to meet her son, went to said jewellery shop and was told by the proprietor that her son has been sent to Varanasi to work at the jewellery shop of his brother-in-law namely Manoj Kumar. On



01.02.2019, she again approached the said jewellery shop of Manoj Kumar and got the same answer that Akash Kumar works in Varanasi at the jewellery shop belongs of his relative. She went Varanasi to meet her son and was told that her son works in said jewellery shop in Varanasi, but presently he along with his proprietor has gone to Sasaram. Six months elapsed, but she could not meet her son.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to village politics. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It has been further submitted that the real fact is that the petitioner has already filed a case being Complaint Case No. 533 of 2019 prior to filing of this case before the Court of C.J.M., Dhanbad in connection with defalcation of fifty four lacs against the Akash Kumar and others and on the basis of said complaint Case No. 553 of 2019, the FIR was registered vide Loyappa P.S. Case No. 13/2019, wherein police submitted charge-sheet u/s 406, 420, 506, 392 IPC against said Akash Kumar and others. Further it has been submitted that husband of the complainant has also



filed a complaint case prior to the filing of this case vide Complaint Case No. 108/2019 before the S.D.J.M. Dehri in which it has been clearly mentioned that his son namely Akash Kumar used to work in the jewellery shop of petitioner at Varanasi and on 01.02.2019, Akash Kumar after taking Rs. 54,00,000/- of petitioner went to Kolkata for taking delivery of the ornaments and did not return to Varanasi, then he got suspicious that the persons with whom Akash Kumar had gone to Kolkata, may have kidnapped him and they might have been committed his murder in greed of money. The petitioner is the witness in the complaint case No. 108/2019. Thereafter the mother of Akash Kumar has filed the present case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the complainant oppose the prayer for bail and argued that Akash Kumar worked at the jewellery shop of petitioner in Varanasi and was sent to Kolkata with fifty four lacs rupees by the accused-petitioner to take the delivery of gold ornaments and did not return till today. Story suggested by accused-petitioner appears to be concocted and unbelievable in itself. They further submit that the informant's son Akash Kumar is



still traceless, therefore, it is not a fit case for anticipatory bail.

Considering the facts and circumstances as well as the argument of the parties, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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