

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59177 of 2023

Arising Out of PS. Case No.-43 Year-2021 Thana- CHAPRA TOWN District- Saran

MANTU KUMAR @ MANTU KUMAR PANDEY @ VIJAY KUMAR
PANDEY Son of Sachita Nand Pandey VILLAGE MARAHIYAN PS
CHAPRA MUFFASIL DISTRICT SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 406/34 of the Indian
Penal Code and Section 138 of the N.I. Act.

3. As per prosecution case, the petitioner along with
others convinced the informant to avail land for construction of
the house and accordingly, in the year 2018, it was finally
settled between the accused persons and the informant to get her
registered 10 *Dhur* land under Khata No. 735, Plot No. 1952
and the informant paid Rs. 17 lakhs to the accused persons. It is
further alleged that the informant came to know that the accused
persons sold the aforesaid land to some other persons, then she



demanded back her money but they refunded only the amount, which was taken by them in their account but not return the rest amount of Rs. 8 lakhs and they have executed an agreement regarding the return of her rest amount, then the informant lodged this case.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. There is no specific allegation against the petitioner. He submitted that the admitted fact that the entire transaction either through bank/cheque were all in the account of co-accused Raju Kumar Srivastava, who returned the money. However, Raju Kumar Srivastava returned Rs. 8 lakh on 17.02.2021 and Rs. 80472/- on 23.02.2021 in the bank account of the informant and has given assurance before the Court of learned Judicial Magistrate, 1st Class to gave rest amount after getting bail by the Court and petitioner is being advised here to bring on record the order dated 16.12.2021 passed by learned Judicial Magistrate, 1st Class before this Court to secure ends of justice in his favour. He further submitted that from the objective finding of the investigating agency and the supervising authority, it is evident that all the transactions were made from the account of Raju Kumar Srivastava and has given



undertaking to return back the rest dues of the informant as is evident from the order of learned Judicial Magistrate, 1st Class, Saran At Chapra dated 16.12.2021. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 25.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Chapra Town P.S. Case No. 43 of 2021.

(Sunil Kumar Panwar, J)

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