

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 58406 of 2023**

Arising Out of PS. Case No.-356 Year-2022 Thana- MALSALAMI District- Patna

1. Manoj Kumar @ Manoj Prasad S/o- Badri Prasad Village- Bharatpur Simli PS- Malsalami Dist- Patna
2. Mohit Kumar son of Manoj Kumar @ Manoj Prasad Village- Bharatpur Simli PS- Malsalami Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ajay Kumar, Advocate
For the Opposite Party/s : Mr Arun Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2 The petitioners apprehend their arrest in connection with Malsalami PS Case No 356 of 2022 dated 03.07.2022 instituted under Sections 406, 420, 506/34 of Indian Penal Code.

3 As per the prosecution case, the informant gave Rs 2 lacs from his pocket and Rs 1 lac from his friend to petitioner No 1 but the same is not being returned despite the demand by the informant.

4 Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No specific allegation for taking money is made against



petitioner No 2. No cheque was delivered by petitioner No 1 to the informant nor any property paper was delivered. FIR has been lodged after inordinate delay. It is further submitted that petitioner No 1 has installed a small manufacturing unit in which the informant wanted to become a partner. When the same was denied, this false case has been lodged against the petitioners. Petitioners have no criminal antecedent.

5 Learned APP opposes the prayer for anticipatory bail.

6 Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna City in connection with Malsalami PS Case No 356 of 2022 dated 03.07.2022 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

M.E.H./-

U		T	
---	--	---	--

