

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72943 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- GAYA KOTWALI District- Gaya

1. Baban Manjhi S/o Late Indradev Manjhi R/o village- Khiri, P.S.- Paraiya, Distt- Gaya (Bihar).
2. Sakendra Manjhi @ Sakendrar Manjhi S/o Late Indradev Manjhi R/o village- Khiri, P.S.- Paraiya, Distt- Gaya (Bihar).
3. Mahendra Manjhi S/o Late Indradev Manjhi R/o village- Khiri, P.S.- Paraiya, Distt- Gaya (Bihar).
4. Golki Devi W/o Late Indradev Manjhi R/o village- Khiri, P.S.- Paraiya, Distt- Gaya (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Kotwali P.S. Case No. 244 of 2022 registered for the offences under Sections 406, 420 and 34 of the Indian Penal Code. The petitioners have no criminal antecedent.

As per the prosecution story, the petitioners have dishonestly induced the informant to deliver them Rs. 7,00,000/- on the pretext of selling land to him but they have sold the said land to some another person.

Learned counsel for the petitioners submits that in



fact, the informant had paid only Rs. 5,00,000 (Rupees Five Lakh) as advance towards purchase of the land, later on, when the informant failed to pay the rest of the amount, the petitioners had no option but to sell the property to other person. It is submitted that the petitioners are ready to pay Rs. 5,00,000/- to the informant but the informant is insisting for Rs. 7,00,000/- which is an exaggerated amount.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the submissions noted hereinabove, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, the petitioners shall be enlarged on bail in connection with Kotwali P.S. Case No. 244 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further subject to the condition that at the time of their surrender in the court below, the petitioners shall produce a bank draft of Rs. 5,00,000/- in the name of the informant and the same shall be made available to the learned counsel for the



informant who will be given prior notice of the surrender application, if appearing, otherwise the learned court below shall keep the bank draft on record.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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