

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16679 of 2024

Arising Out of PS. Case No.-243 Year-2021 Thana- COMPLAINT CASE District- Araria

Suman Kumar Mandal, S/o Sita Ram Mandal, Resident of Village- Majhua,
Ward No.-03, P.O. Majhua, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Baitha, Son of Santlal Baitha, R/o Village- Jagir Parasi, Ward No.-02, P.S.- Kurshakanta (Sonamani Godam), District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Complaint Case No. 243 of 2021, registered for the offences under Sections 406, 420, 323, 379, 384 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioner gave an amount of Rs. 3,50,000/- to the complainant on different dates on assurance of getting him job of Clerk in RTPS. Later on, the petitioner refused to return the money and abused and assaulted the complainant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The complaint was lodged after lapse of three years and the story of the complainant does not appear to be believable. Prosecution story is completely false and concocted. Real facts of the case is that the complainant had taken Rs. 5,00,000/- from the petitioner for opening a poultry form and the complainant, his brother and father assured to return the amount. Complainant returned Rs. 2,74,500/- but the complainant and his associates did not return rest amount of Rs. 2,25,500/- and falsely lodged the case against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the dispute is arising out of some monetary transaction between the parties and further considering the possibility of false implication, 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. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate-1st Class-cum-A.M.-
III, Araria/court concerned in connection with Complaint Case
No. 243 of 2021, subject to the conditions 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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