

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19293 of 2024

Arising Out of PS. Case No.-401 Year-2022 Thana- JAHANABAD District- Jehanabad

Manoj Kumar, (age-35 years, Gender-Male), S/o Mahendra Prasad @ Mahendra Yadav, Resident of Village- Ucholi, P.S. Khijarsarai, District- Gaya, presently residing at Mohalla Bhagwat Nagar, P.S. Patrakar Nagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Raj Kumar, Son of Late Janak Deo Singh, Lok Nagar, Shanti Nagar More, P.S. & District-Jehanabad.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Senior Advocate and Mr. Gajendra Kumar Singh, Advocate
For the O.P. No. 2	:	M/S. Shivendra Prasad and Mukesh Kumar, Advocates
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 16-05-2024 Heard learned senior counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Jehanabad P.S. Case No. 401 of 2022 dated 26.05.2022 registered for the offences punishable under Sections 406 and 420 of the I.P.C.

3. As per the prosecution case, on 06.03.2021, the petitioner asked the informant to open an *e-bike* show-room and he will supply the *Tunwal e-bike*. Upon which, the informant



took a rented room @ Rs. 20,000/- per month and sent Rs. 8,40,000/- to *G.M.M. Global Commerce Pvt. Ltd.*, within a month but the petitioner did not send any vehicle to the informant's show-room. Thereafter, on pressurizing the petitioner to return the said amount, he gave three cheques of different dates, which got bounced for five times.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that from perusal of the F.I.R., it appears that there is no documentary evidence to suggest that the informant has paid Rs. 8,40,000/- (Rupees Eight Lacs Forty Thousand Only) to the petitioner. It is further submitted that unfortunately the petitioner lost his business and thereafter due to some financial dispute arises between them the present false case has been lodged by the informant against the petitioner. Learned counsel for the petitioner by filing a supplementary affidavit has submitted that the petitioner is ready to deposit Rs. 8,40,000/- (Rupees Eight Lacs Forty Thousand Only) to the informant in the present case by way of Demand Draft. Out of which, Rs. 1,00,000/- (Rupees One Lac Only) will be paid to the informant at the time of furnishing bail bond in the learned court below and the rest amount i.e., Rs.



7,40,000/- (Rupees Seven Lacs Forty Thousand) will be paid in six equal installments in the next six months in the last week of every month by way of demand draft. The aforesaid facts have been mentioned in paragraph no. 2 of the said supplementary affidavit filed on behalf of the petitioner. The petitioner has four criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 05.08.2023.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have supported the facts as mentioned in paragraph no. 2 of the said supplementary affidavit filed on behalf of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as in view of the terms and conditions as mentioned in paragraph no. 2 of the said supplementary affidavit filed on behalf of the petitioner and the period of custody of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 401 of 2022 with further conditions:-

(I) The petitioner is directed to remain



physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be liberty to move for cancellation of his bail bonds.

II. The petitioner is directed to pay all settled amount to the informant within the stipulated period, failing which, the court below will be at liberty to cancel the bail bonds of the petitioner.

III. The informant is directed to take step for the disposal of the present case at the earliest.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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