

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41291 of 2024

Arising Out of PS. Case No.-607 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Manoj Kumar Son of Late Upendra Narayan Singh Resident of Flat No.-
D/304, Bansal Plaza Apartment, Station Road, Patel Chowk, P.S.- Chutia,
District - Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-08-2024
1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 468, 471 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 13-8-2024, it would
manifest that the same records that notice has been received by
brother of OP No. 2 and registered cover notice has been
received by family members of OP No. 2.

4. Since notices have been received by brother and
family members of the OP No. 2, as such the notices are deemed
to have been validly served. The Court proceeds to decide the



case on merits as no one appears on behalf of the OP No. 2.

5. The learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that he entered into an agreement with retired Lieutenant Colonel Kiran Kumar Acharya on 15-12-2021 for a term of five years for starting a security agency, further Rs. 1,000/- by way of commission in terms of the agreement per security guard was to be credited in the account of Kiran Kumar Acharya, as according to Rules of Directorate General, Ministry of Defence, the security agency is to be given to a retired defence officer, further in terms of the agreement, it was agreed that no party to the agreement would breach any condition for five years, it is next alleged that in terms of the agreement, the informant invested an amount of Rs. 5 crores, further deposited an amount of Rs. 98,000/- towards commission in the ICICI bank account of Kiran Kumar Acharya, further made salary payment to the security guards for three months. It is further alleged that Kiran Kumar Acharya in connivance with the officials of GM, Ordnance Factory (Nalanda), with a view to siphon off the invested money of the informant in the business, got a new account opened with SBI at Bangalore and efforts are being made to get the amount of business transferred in the said



account, when in terms of the agreement all payments are to be made relating to the business through Bank of Baroda Darbhanga, further alleges that Kiran Kumar Acharya for opening the account connived with the GM Ordnance Officials and used forged documents as informant has all the original documents of Kiran Kumar Acharya with him from the time of agreement entered in between them, thus alleges that the entire effort for committing forgery has been done to siphon off Rs. 5 crore which informant had invested with the help of petitioner, Nope Singh Rathore and Shekhar Ranjan Bardhan.

6. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of allegation is against Kiran Kumar Acharya, further no specific allegation against petitioner is alleged except that petitioner along with Nope Singh Rathod and Shekhar Ranjan were also instrumental in opening the account at SBI.

7. The learned APP very fairly submits that no doubt what has been submitted by the petitioner is correct but then the conduct of the petitioner does not entitle him for anticipatory bail. It is next submitted that petitioner was granted interim protection by an order dated 11-10-2023 passed by the learned



district court as recorded in the impugned order and the petitioner was directed to join the investigation before the police, but then the petitioner, for reasons best known, flouted the said privilege granted to him by the learned district court.

8. The said submission of the learned APP is rebutted by the learned counsel appearing on behalf of the petitioner and submits that A.B.P. No. 1720 of 2023 was filed by Kiran Kumar Acharya, Manoj Kumar, G.P. Capt. retired Shekhar Ranjan Vardhan and Major retired Nope Singh Rathore. It is further submitted that Kiran, Shekhar and Nope Singh withdrew A.B.P. No. 1720 of 2023 and the same was permitted to be withdrawn by an order dated 31-10-2023 passed by the learned Sessions Judge, Darbhanga. It is next submitted that the case of the petitioner remained pending for adjudication on merits. It is next submitted that the case was again taken up on 1-11-2023 when the learned counsel appearing on behalf of the petitioner before the learned district court showed his preparedness to join investigation, but at the same time showed his apprehension of third degree torture in the police station as such the Investigating Officer was directed to appear before the court on 8-11-2023 and the petitioner was also directed to remain present for joining investigation and the case was directed to be listed



on 29-11-2023. It is next submitted that thereafter the case was taken up on 8-11-2023 when neither the Investigating Officer nor the petitioner were present, as such the investigating officer of the case was directed to furnish his explanation and the stay on arrest of the petitioner was vacated and thereafter the case was directed to be listed on the date fixed i.e. 29-11-2023. It is next submitted that the case thereafter was taken up on 9-12-2023 when petitioner and the informant showed their willingness to resolve the dispute amicably through mediation, as such, the case was referred to DLSA Darbhanga by order dated 19-12-2023 and the next date fixed was 3-1-2024. It is submitted that the mediation proceedings failed. The learned counsel thus submits that petitioner never avoided the investigation rather is willing to cooperate in the investigation.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Darbhanga Sadar



P.S. Case No. 607 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance is not cooperating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

11. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence and thereafter if the learned trial court comes to a conclusion that petitioner is trying to delay the trial in that event also the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

12. Let a copy of this order be sent to the concerned Police Station.

(Satyavrat Verma, J)

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