

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47519 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- AWTARNAGAR District- Saran

Manoj Kumar Singh S/o Mani Singh Proprietor of M/s Anand Enterprises,
Madanpur, Bartar, P.S. - Awatarnagar, Distt. - Saran, R/o Village-West Baluan,
Kanshdiar, P.S. Doriganj, District Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
Mr. Ajay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP
For the Informant : Mr. Shrinandan Singh, Sr. Advocate
Mr. Kumar Sameer, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioner as well as

learned APP for the State and the learned counsel appearing on

behalf of the informant.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 406, 420, 387, 504, 506 of the IPC in connection with

Awatar Nagar P.S. Case No.312 of 2023.

3. The learned counsel for the petitioner at the outset

submits that the offences for which the instant FIR has been

instituted carries punishment of seven years and less, but then

police during the course of investigation did not give the benefit

of Section 41(A) of the Cr.P.C. in complete breach of the order

dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari



vs. The State of Bihar).

4. It is next submitted that had the police given the benefit of Section 41(A) of the Cr.P.C., in that event, the petitioner would have been in a position to explain his side of the case, but then the police in a mechanical manner investigated the case and submitted charge sheet.

5. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that informant alleges that V.T.L. is a registered company under the Companies Act, 2013 and the company had to make payment of Rs.75,79,834/- to one Anand Enterprises against the work which was performed by the said enterprise, but the V.T.L. on 01.06.2023 transferred the said amount of Rs.75,79,834/- to M/s Anand Enterprises owned by the petitioner inadvertently, when the amount was to be transferred to Anand Enterprises owned by one Santosh Anand Mishra and the petitioner now is not returning the said amount to the informant.

6. The learned counsel submits that it absolutely does not stand to reason that how such a huge amount was transferred inadvertently in the account of the petitioner. It is also submitted



that the amount was transferred for the reason that the informant owed due of the aforesaid amount for the work rendered by the petitioner in pursuance of the contract taken by the petitioner for some work, it is also submitted that the informant was aware of all the details of the petitioner based on which the said amount was credited in the account of the petitioner which amply demonstrates that petitioner and the informant were known from before.

7. It is also submitted that petitioner had received a legal notice from the informant, but then the same was replied by his reply dated 11.07.2023 (Annexure-3) to the anticipatory bail application wherein, it has been clearly recorded that the said amount of Rs.75,79,834/- was transferred in relation to a work done by the petitioner for the company of the informant. It is also submitted that petitioner will not abscond rather will cooperate in the trial.

8. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel for the petitioner that the petitioner had replied the legal notice sent by the informant by his reply dated 11.07.2023 and the fact that how the informant



was aware of the banking details of the petitioner.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Saran at Chapra in connection with Awatar Nagar P.S. Case No.312 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, if the learned Trial court comes to a conclusion that petitioner after his release on anticipatory bail is trying to delay the trial in any manner, in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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