

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54864 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Manish Kumar Jha @ Manish Jha Son of Kamla Kant Jha R/V- Sarairanjan
Tole Kalyanpur, P.S.- Sarairanjan, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Mohiuddinnagar P.S. Case No. 43 of 2023, registered on 16.02.2023 for the offences under Sections 420 and 406 of the Indian Penal Code.

3. As per prosecution case, petitioner entered into talks of purchase of vehicle of the informant and took away the vehicle of the informant valued at Rs.19,95,000/- (Nineteen Lakhs Ninty Five Thousand) and thereafter got executed paper of sale in favour of co-accused Ganesh Kumar Jha. Amount of Rs.3,91,000/- was to be paid in one go and rest amount of Rs.16,04,000/- was to be paid in installments to the Finance



Company. The allegation against the petitioner is that payment of only Rs.3,50,000/- was made to the informant but the payment of balance of amount Rs.41,000/- was not made to the informant and the purchaser stopped making payment of installment as well.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and the fact is apparent from the FIR. The petitioner is not a purchaser and he was only a mediator between the informant and co-accused Ganesh Kumar Jha. However, even the allegation against co-accused is not believable as co-accused make payment of Rs.3,50,000/- in one go and has further been making payment of installment of the vehicle in Mahindra Finance Company and he has not defaulted in making payment of installment. In these facts, no offence is made out against the petitioner. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation which do not show commission of any offence 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, Ist Class -cum- Additional Munsif, Samastipur/concerned court in connection with Mohiuddinnagar P.S. Case No. 43 of 2023, subject to the condition 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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