

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60040 of 2023

Arising Out of PS. Case No.-225 Year-2021 Thana- MAJORGANJ District- Sitamarhi

1. SURENDRA KUMAR SON OF LATE LAKSHMI NARAYAN MAHTO @ LATE LAXMI MAHTO RESIDENT OF VILLAGE- BASAHIYA, PS- KANHAULI, DISTT- SITAMARHI
2. VINOD KUMAR @ VINOD PRASAD SON OF LATE LAKSHMI NARAYAN MAHTO @ LATE LAXMI MAHTO RESIDENT OF VILLAGE- BASAHIYA, PS- KANHAULI, DISTT- SITAMARHI
3. VINAY KUMAR @ VIJAY KUMAR SON OF LATE LAKSHMI NARAYAN MAHTO @ LATE LAXMI MAHTO RESIDENT OF VILLAGE- BASAHIYA, PS- KANHAULI, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 29-02-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Majorganj P.S. Case No. 225 of 2021 dated 23.11.2021 registered under Sections 406, 420, 504, 506, 34 of the I.P.C.

3. As per the allegation in the First Information Report the petitioner no. 1 took a sum of Rs. 20,60,000/- from the opposite party no. 2 on 17.04.2018 with a promise to transfer the agency in the name and style of Vinod Bajaj Agency in favour of the informant / complainant. However, the petitioner no. 1 refused to transfer the agency in the name of the informant and when the



money was demanded back, the petitioners abused and threatened the informant of dire consequences.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the petitioner no. 1 is sub agent of Bajaj Agency and had been running a retail shop of the agency from a tenanted premises. The principal agent of Bajaj Agency at Sitamarhi is Manoj Kumar Gupta from where the petitioner no. 1 used to get motorcycle for selling it to general public. The informant in connivance with Manoj Kumar Gupta and the land owner where agency was running captured the agency of the petitioner no. 1 and also seized all the documents including non judicial stamp paper upon which the agreement for transfer of agency has been prepared under pressure. He further submits that no such agreement has been executed and entered into between the informant and the petitioner no. 1.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner no. 1 is in the habit of cheating and deceiving inasmuch as he has got two criminal antecedents of similar nature of offences. Petitioner no. 1 is not disputing his signature on the agreement which has been annexed as Annexure: OP- 1



in the counter affidavit / reply filed on behalf of the informant-opposite party no. 2. He submits that admittedly the petitioners have cheated the informant on the basis of false promise and from the very inception the intention of the petitioner no. 1 was to deceive and cheat the informant. The petitioner no. 1 entered into agreement with malicious intention to misappropriate the huge amount of the informant. Now, the petitioner no. 1 is making a story that agency has been captured by the main agent Manoj Kumar Gupta and the informant.

6. Regard being had to the submissions made by the parties, taking into consideration the nature of allegation against the petitioner no. 1 and the fact that petitioner no. 1 is having criminal antecedents of similar nature of offence, I am not inclined to grant anticipatory bail to the petitioner no. 1. However, the petitioner nos. 2 & 3 are only witnesses in the agreement (Annexure: OP-1), as such, I am inclined to grant anticipatory bail to the petitioner nos. 2 & 3.

7. Accordingly, the prayer for anticipatory bail of the petitioner no. 1 is rejected. However, the prayer for grant of anticipatory bail to the petitioner nos. 2 & 3 stands allowed.

8. Let the petitioner nos. 2 & 3, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on
furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each
with two sureties of the like amount each to the satisfaction of
learned Additional Chief Judicial Magistrate- I, Sitamarhi in
connection with Majorganj P.S. Case No. 225 of 2021 subject to
the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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