

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83167 of 2023

Arising Out of PS. Case No.-611 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Kanhaya Kumar Mandal Son Of Bhagwan Mandal R/O Village- Bhimdas
Total (Tintanga), P.S.- Gopalpur (Rangra), Dist.- Begusarai
... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son Of Kunkun Mandal R/O Village- Bhimdas Tola Tintenga,
Diyara, P.S.- Town, Dist.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 611 of 2022 dated 10.11.2022 instituted for
the offence punishable under Sections 406, 417/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that the
complainant gave Rs. 7,47,500/- to the petitioner and for
security, the petitioner handed over a Bolero bearing no.
BR10PB 6835 to the complainant as mortgage. Thereafter the
petitioner took the said bolero from the possession of the
complainant without returning the said money. It is alleged that



the petitioner cheated the complainant and committed a criminal breach of trust.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not the owner of the said Bolero vehicle. The owner of the said vehicle is Shankar Kumar. Learned counsel for the petitioner submits that money, as alleged, has not been given to the petitioner. A false agreement paper has been prepared by the complainant. Learned counsel for the petitioner submits that there is no proof of payment of Rs. 7,47,500/-. In the complaint case, the Magistrate took cognizance under Section 406 and 417 of the Indian Penal Code against the petitioner and Shankar Kumar. Learned counsel for the petitioner further submits that nature of the allegation is civil in nature. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No.



611 of 2022, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate Ist, Naugachia, Bhagalpur subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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