IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80150 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- TIKAPATTI District- Purnia

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BRIJNANDAN MANDAL, S/O LATE RAMSWARUP MANDAL, R/O VILLAGE- SALMARI, P.S- SALMARI (O.P- AZAM NAGAR), DISTRICT- KATIHAR (BIHAR).

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raghu Nath Singh, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Kumar Manglam, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

6 18-04-2024 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Tikapatti P.S. Case no. 40 of 2023 registered under sections 420, 406, 467, 468, 471 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the accused Alok Kumar who used to reside in the house of the petitioner, used to show himself to be a private worker of the Post Office. He duped many persons on the promise of getting

them higher rate of interest on their deposits. The informant also transferred a total sum of Rs.76 lacs to the three accounts of the co-accused Alok Kumar which he got received through different accused persons including the petitioner herein who happens to be his maternal uncle. A total sum of Rs.20.5 lacs only was returned. On asking for the remaining amount, forged *Kisan Vikas Patra* was handed over to the informant. Inspite of all attempts the amount could not be recovered and as such a pleader notice was sent to which no satisfactory reply was received. The informant mentions the account nos. of Alok Kumar in Punjab National Bank, Kotak Mahindra Bank and the HDFC Bank in which the amounts were transferred.

4. Learned counsel for the petitioner submits that from the contents of the FIR itself it would be evident that the petitioner has been falsely implicated in the case only for the reason that he happens to be the maternal uncle of co-accused Alok Kumar who also used to reside in his house. Even as per the allegations in the FIR, no amount was transferred to any of the accounts belonging to the petitioner. The petitioner is in custody since 23.7.2023, has no criminal antecedent and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP

for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but is the kingpin of the gang which was involved in cheating and duping the informant and others. It was while residing at the residence of this petitioner and in conspiracy with this petitioner that the co-accused Alok Kumar took away Rs.76 lacs on the promise of gettting the informant a higher rate of interest. A sum of Rs. 20.5 lacs was returned, however the remaining amount was not returned. It was further submitted that the cases of a number of other accused are already pending for reconciliation and as such this case may also be sent for reconciliation.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, it being the categorical case of the informant herein that the total amount of Rs.76 lacs was transferred to different accounts belonging to co-accused Alok Kumar and not the petitioner, his being in custody for 8 months since 23.7.2023, not having any criminal antecedent and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Tikapatti P.S. Case no.40 of 2023 on furnishing bail bond 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, Purnea.

(Partha Sarthy, J)

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