

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3532 of 2022

Nandlal Mondal

..... Petitioner

Versus

1. The State of Jharkhand

2. Amit Kumar Sharma

..... Opposite parties

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Sanjay Prasad, Advocate

For the State : Mr. Sanat Kumar Jha, A.P.P.

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Order No.05/ Dated:29.07.2022

Heard learned counsel for the parties.

Apprehending his arrest in connection with Dhanbad P.S. Case No. 31 of 2022 instituted under Sections 419, 420, 406, 504, 506, 34 of the Indian Penal Code, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per F.I.R. allegation against the petitioner is that he along with his nephew Brajesh Mandal agreed to develop some plot of land allegedly owned by them and present petitioner has received Rs. 51,000/- as advance and in respect of some other agreements petitioner has received no amount.

Learned counsel for the petitioner has submitted that petitioner is ready to return Rs. 51,000/- (Fifty One Thousand) to the informant as the development work could not proceed. It is submitted that petitioner has never cheated the informant and the allegation of commission of criminal breach of trust is not applicable in the facts and circumstances of the case. Petitioner is ready to co-operate in the investigation of the case. In case of his arrest petitioner shall be harassed and humiliated. Hence, petitioner may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner. It appears that notice was issued against

the complainant-cum-informant but after service of notice he has not appeared.

Considering the facts and circumstances of this case and undertaking given by the petitioner and also in view of the materials available on record, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Dhanbad in connection with Dhanbad P.S. Case No. 31 of 2022 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Pradeep Kumar Srivastava, J.)