

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18701 of 2015

Arising Out of PS.Case No. -178 Year- 2014 Thana -JAMUI District- JAMUI

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Tarun Kundu, Son of Late Madan Mohan Kundu, Resident of Kundu Bari Shani Mandir 12/5 Balai Mistri Late Howrah, P.S. Shivpur, District Howrah West Bengal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 420, 467, 468, 471, 506, 120(B)/34 of the Indian Penal Code and Section 3(i)(x)(xi) of SC/ST Act, this Court is of the opinion that whatever allegations have been made by the complainant against the petitioner would give rise to a dispute of civil nature. Whether the petitioner was a partner of a business firm or whether there was any understanding to share the profit and/or loss and whether such accounting was done cannot be normally made subject matter of criminal case.

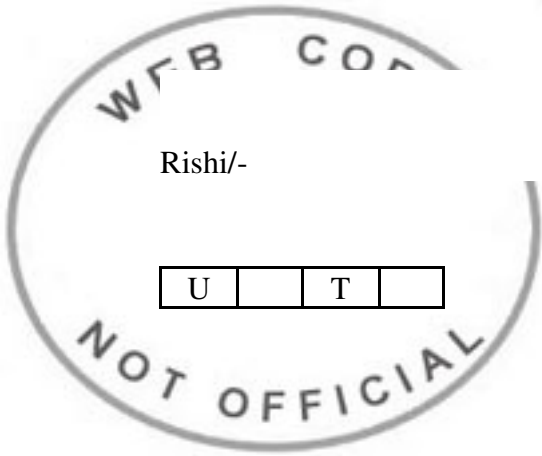
Be that as it may, since the petitioner also has got no criminal antecedent, this Court would direct that if the petitioner, namely, Tarun Kundu surrenders before the court below within a



period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 178 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this

ground alone.



(Mihir Kumar Jha, J)