

27. Sanjay Kumar Patnaik

The State of Odisha

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Appear

For the

For the

- Petitioners

The State of Bihar

Appearance :

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

Heard learned counsel for the petitioners and

The petitioners pray for anticipatory bail in a

Learned counsel for the petitioners submits that

It is submitted that three days before the lodging

of the present case the petitioners had also filed information before the Officer-in-Charge, Gandhi Maidan Police Station

regarding the threats being given by the informant and subsequently, the present case has been lodged by the informant.

It is also submitted by learned counsel that as a matter of fact, it is the informant who had paid to the petitioners an amount of Rs. 5 lacs through cheque dated 27.12.2012 of ICICI Bank with an instruction not to deposit the same in Bank as there is no sufficient fund but subsequently when the cheque was presented it was dishonoured for which a complaint case was filed by the petitioners which was subsequently registered as Police Case under Section 156(3) of the Code of Criminal Procedure and charge sheet has been submitted by the police in that case also.

Learned counsel further submits that in the said case by order dated 17.6.2014 passed in Anticipatory Bail Petition No. 18648 of 2014 filed by the informant bail has been granted by the learned Sessions Judge after observing that there is dispute of accounting between the parties. It is urged by learned counsel for the petitioners that if there is accounting dispute between the parties then the said consideration should also apply to the case of the petitioners and they should also be enlarged on bail.

Learned counsel for the informant counters the aforesaid submissions of learned counsel for the petitioners by

stating that Cheque of Rs. 5 lacs was not given to the petitioners but to M/s. Big Pictures for the purpose of obtaining distribution rights of a particular film. It is also submitted by him that the case of the petitioners and the informant do not stand on the same footing as in the present matter the petitioners have got the informant kidnapped in their car and severely assaulted and beaten him up.

On a consideration of the entire facts and circumstances of the case, prima facie, this Court is in agreement with the observations of the learned Sessions Judge in the Anticipatory Bail petition of the informant that there appears to be a dispute of accounting between the parties.

It is, therefore, directed that the petitioners (1) Rakesh Kumar & (2) Sanjeev Kumar, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each in connection with Gandhi Maidan P.S. Case No. 38/2013 to the satisfaction of the Chief Judicial Magistrate, Patna subject to the other conditions stipulated under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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