

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30702 of 2015

Arising Out of PS.Case No. -563 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Ravi Nitesh Pandey @ R. Nitesh @ Ravi Nitesh, son of Sri Ajay Kumar Pandey, Resident of Village Rutilant Marcom Pvt. Ltd. 141, B.T. Road, Gopi Saran, Room No. 7, Dunlop Near Gurudwara, P.S. Bara Nagar, District –Kolkata-7000108 and permanent address New Nagar, Jai Prakash Nagar, Bandh Giri, Buti Road, District –Ranchi (Jharkhand)

.... Petitioner

Versus

1. The State of Bihar
2. Baidnath Prasad Chaurasiya, Son of Sri Ram Anandi Bhagat, R.O.-Gadhama Basanta, P.O.-Ghataro, P.S.-Lalganj, District – Vaishali. Pro.-Jai Maa Ambika Traders, Tin Pulwa Chowk, P.S.-Lalganj, District-Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vinod Pandey, Advocate.

For the Opposite Parties : Mr. Aditya Narayan Singh - 1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-08-2015 Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The complainant alleged that he was well acquainted with Subodh Kumar Verma and Birendra Kumar Singh, accused nos. 3 and 4 who got them acquainted with accused nos. 1 and 2. The petitioner is accused no. 2 and they came to the business place of Jai Ma Ambika Traders and asked the complainant and his partner to become stockist of Rutilant Marcom Pvt. Ltd. company who is manufacturing mustard and refined oil. The complainant

alleged that he advanced Rs. 4,11,000/- in the account of the company. The informant is nowhere stated in the complaint petition that he handed over the security amount to the petitioner, one of the partners of the firm.

Learned counsel for the petitioner submits that the petitioner has already returned Rs. 4,11,000/- to Arvind Kumar Singh one of the partners of the firm of the complainant. Of course, the petitioner is a business man, many persons have filed case against the petitioner, but the petitioner is in jail in the present case since 15.12.2014.

On the other hand learned counsel for the complainant as well as the learned APP vehemently opposed the prayer for bail and firstly submitted that the petitioner has got criminal antecedent. The petitioner did not return the entire amount to the complainant. The petitioner did not even disclose the number of cases pending against him in para-3 of the bail petition. The petitioner defrauded many persons.

It appears that the firm of the petitioner and complainant entered into an agreement for supply of mustard and refined oil for that the complainant gave Rs. 4,11,000/- in the account of the firm of the petitioner, but the petitioner claims that he returned the entire amount to Arvind Kumar Singh one of the

partners of the company. The petitioner is in jail since 15.12.2014. Many criminal cases are registered against the petitioner arising out of business transactions for non-payment of the amount.

Considering the facts aforesaid and the fact that the petitioner has already remained in jail for about eight months, he above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Niharika, the learned Judicial Magistrate 1st Class, Hajipur, Vaishali in Complaint Case No. 563(C) of 2014, subject to the condition that one of the bailors shall be local and have substantive immovable property in his name.

(Prabhat Kumar Jha, J.)

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