

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28776 of 2015

Arising Out of PS.Case No. -240 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Rajesh Kumar @ Chand Singh son of Chandraket Narayan Singh
2. Abhishek Kumar S/o Rajesh Kumar @ Chand Singh Both residents of
Village - Rampur Naushan, P.S. - Industrial Area, Hazipur, District -
Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 02-03-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are apprehending her arrest in connection
with Hajipur P.S. Case No. 240 of 2015, registered for offences
punishable under Sections 406, 420 and 34 of the Indian Penal
Code.

Earlier this Court after due consideration of facts and
circumstances of the case, had passed an order dated 15.09.2015,
whereby, the matter was referred to the Mediation Centre, Patna
High Court for reconciliation of dispute between the parties.
However, vide a report dated 03.02.2016, the Mediator has stated
that the dispute between the parties could not be resolved through



the process of mediation. On the earlier occasion, this Court had also considered the matter at length and had extended the privilege of provisional bail to the petitioner, till the outcome of the Mediation process. Since the parties could not resolve their dispute through the process of mediation, they have once again come before this Court for further appropriate order.

The case of the informant is that he had invested a sizeable amount of money in the business of the petitioner, who is the license holder of the Shop No. 76 granted by Bihar State Beverages Corporation Limited, Patna. It was submitted by learned counsel for the informant that though the petitioners were the license holder, the entire money came to be invested by the informant and the business has been running for the entire year i.e. 2013-14 in the name of the petitioners. It is stated that the informant was executing the business as the petitioner had met with an accident in the month of May 2013. The dispute between the parties arose only after completion of the year when the informant started demanding his share of profits, which was declined by the petitioner.

Learned counsel for the petitioners submits that actually it was the informant who had been running the liquor shop for entire year and taking the receipts to deposit the money and it was



only to put the petitioner in the wrong box, that the informant has come with the present frivolous complaint alleging that the money which was invested in the business belonged to informant and not the petitioners'. Learned counsel for the petitioner after referring to Annexure – 2 series submitted that the entire stock was taken by the informant on behalf of the petitioners as the petitioners had appointed him as his salesman/agent and the document Annexure - 2 series clearly shows that he has accepted the Stock from Bihar State Beverages Corporation Limited, Patna. The said document also goes to show that the informant had been actively participating in running the business of liquor shops allotted to the petitioners i.e. shops no. 76 and 74.

Learned senior Counsel Shri Bishwanath Prasad appearing on behalf of the informant, has strenuously urged that the informant had been mislead into investing a huge amount in the business of the petitioners and the petitioners after taking the benefit of the financial assistance extended by the informant, has now turned around and has deceitfully refused to give the profits which were derived from the business and has also failed to return the amount so invested.

Be that as it may, this Court after perusal of all documents and after consideration of all facts and circumstances

of the case, had earlier extended the benefit of anticipatory bail provisionally to the petitioner and pursuant thereto the petitioner has filed his bail bonds which is sought to be extended on the present occasion. Considering the entire facts and circumstances of the case and the nature of allegations made, the provisional bail earlier granted to the petitioner vide order dated 15.09.2015 is being confirmed. The Court below shall ascertain the same and extend the facility to the petitioners and the bail bonds executed earlier shall suffice as sureties in the present context also.

However in the facts and circumstances of the case, it is directed that the petitioners, at all material times, shall present themselves in the Court below so that the trial of the case does not stall in any manner and if they fail to appear on two consecutive dates without any reasonable cause, it shall be open to the Court below to take appropriate steps in accordance with law.

(Anjana Mishra, J)

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