

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30496 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -JAMALPUR District- MUNGER

Rajesh Sinha son of Birendra Kumar resident of Lane no. 9, Birsa Nagar,
Telco, P.S. Birsa Nagar, District Jamshedpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 05-08-2016 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and also heard learned
counsel appearing on behalf of the informant.

Petitioner is in jail custody since 13.04.2016, in a
case registered for the offences punishable under Sections 467,
406, 420, 384, 504/34 of the Indian Penal Code.

The allegation against the petitioner is that he allured
the informant to invest huge amount in his firm and thereafter the
informant deposited huge amount in the firm of the petitioner but
subsequently, when the bank account of the concerned firm was
not opened, the informant doubted some fishy and asked the
petitioner to prepare account of the concerned firm and thereafter
the share of the informant was sorted out as Rs. 32, 00, 000/- and



the petitioner assured to make payment of the aforesaid amount to the informant but the petitioner did not make payment and on 06.04.2015, at about 6.00 P.M., the petitioner and some others came at the residence of the informant and demanded the original partnership deed. The informant gave original partnership deed to the petitioner, who took the said partnership deed and thereafter put pistol on informant and forcibly took his signatures on several plain papers as well as stamp papers.

The informant filed complaint petition in the court of the Chief Judicial Magistrate, Munger on 08.04.2015 and after that, the present case was registered against the petitioner and others.

Submission on behalf of the petitioner is that the petitioner and informant entered into partnership business, for which, partnership deed was prepared. Subsequently, a dispute took place between the parties and his firm was dissolved by a deed, which is evident from perusal of the Annexures-3 and 4 respectively. It is further submitted that the petitioner filed Money Suit in the Court of Senior Civil Judge, Saket Court, New Delhi against the informant for realization of dues, after dissolution of the firm, which is still pending.

On the other hand, learned counsel appearing on



behalf of the informant vehemently opposes the prayer, submitting that in course of investigation, several witnesses supported the case of the informant and several documents, collected by the Investigating Officer, go to show the malafide intention of the petitioner and, therefore, it is a clear cut case of cheating. It is further submitted that the petitioner deceived the informant by placing forged documents as well as false assurance. It is further contended by him that so called partnership deed as well as deed of dissolution are fabricated and forged documents.

Having heard the contention of both the parties, I have gone through the record. No doubt, there is allegation of cheating against the petitioner but the First Information Report reflects that both parties have entered as partner in a firm and after sometime, dispute took place between them, as a result of which, the informant lodged the present case, whereas the petitioner filed Money Suit against the informant. The investigation against the petitioner appears to have already been completed and there is nothing on the record to show that the petitioner shall tamper with the prosecution evidence, if he is released on bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 50,000/- (Fifty Thousand)

with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Munger in connection with Jamalpur P.S. Case No. 51 of 2015 subject to the condition that one of the sureties must be local and holder of the landed property.

(Hemant Kumar Srivastava, J.)

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