

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16579 of 2016

Arising Out of PS.Case No. -1731 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Raman Kumar Srivastava Son of late Hari Shankar Prasad Srivastava
resident of Village Shanti Nagar, Rajopatti , Ward no. 15, Police Station -
Sitamarhi, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shashi Bhushan Kumar Son of Ram Chandra Mahto resident of Mohalla-
Ring Bandh ward no. 17, Sitamarhi PS and District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-07-2016 Heard learned counsel for the petitioner. Counsel for
the opposite parties is not appearing despite service of notice.

Petitioner is apprehending his arrest in Complaint
Case No.C1-1731 of 2014 for the offences under Sections 406,
420, 506 of the I.P.C. and Section 138 of the Negotiable
Instrument Act.

Learned counsel for the petitioner submits that the
entire case is false and fabricated. It is further submitted that there
were two helpers, namely, Shashi Bhushan Kumar and Manoj
Kumar in the liquor business, which was started by the petitioner,
to assist him. Shashi Bhushan Kumar being the complainant was



first representative of the petitioner and Manoj Kumar being witness was the second representative of the petitioner in his business, for which the petitioner was holding licence granted by the Bihar State Biverages Corporation Ltd. under certain conditions. It is further submitted that for the alleged financial irregularities committed by the aforesaid two representatives the petitioner had already lodged a Complaint Case No.C-1 / 1684 / 2014 dated 11.09.2014 prior to lodging of the present complaint petition. It is further submitted that when the petitioner was conducting his business, he blindly and in good faith trusted and relied upon these two employees to whom he usually made over huge amount by way of cheque issued by the petitioner. It is also submitted that the receipt of the complainant of H.D.F.C. Bank reveals that in fact he had received cheque for the said amount from the petitioner.

Considering the nature of allegation and story regarding sale and purchase of the land which is belied by the present application, and since it appears that prima facie, the complainant was a functionary of the business and not vendee, as alleged in the complaint petition, let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing

bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri P.K.Lal, J.M. 1st Class, Sitamarhi, in Complaint Case No.C1-1731 of 2014 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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