

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36916 of 2017

Arising Out of PS.Case No. -236 Year- 2016 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Ajit Kumar Mishra, son of Surya Narayan Mishra, resident of village-
Mohanpur, P.S.-Singhwara, District-Darbhang.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Vivekanand Thakur, son of late Sita Ram Thakur, resident of village-
Bharwara, P.S.-Singhwara, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP
Mr. Dharmendra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 13-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Complaint Case
No.236 of 2016 instituted for the offence under Section(s) 406
Indian Penal Code.

It has been submitted on behalf of the petitioner that
the Complainant and the petitioner were partners in brick kiln,
namely, Kishan Brick Udyog. Both of them made partnership
deed on 06.10.2012 and thereafter they started business. They
used to divide profit equally. Both purchased piece of land jointly
in their name. The sale deed has been annexed as Annexure-3.
Dispute arose when JCB Machine was to be purchased for the



partnership firm. The petitioner gave blank cheque to his partner, but JCB was not purchased in the name of partnership firm. JCB was purchased in the name of his partner. Counsel for the petitioner has further drawn attention of the Court towards Annexure-5, which is the agreement between the parties, wherein, it has been mentioned that partnership has been dissolved. The Complainant has agreed to return Cheque No.000039, 000040 drawn on Bank of India in the name of the Complainant to the petitioner which was issued for purchase of JCB Machine.

In such circumstances, there appears to be a business dispute between the parties.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Complaint Case No.236 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Darbhanga**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:
(1) bailors should be local having sufficient immovable property



within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

JA/-

(Sanjay Priya, J)

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