

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25771 of 2018

Arising Out of PS.Case No. -570 Year- 2017 Thana -KANKARBAGH District- PATNA

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Dharmendra Pratap Singh S/o Prabhu Nath Singh, R/o Vill.- Adarsh Colony, West Patel Nagar, P.S.- Shastri Nagar, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner, learned Additional P.P and learned counsel for the informant.

The petitioner apprehends his arrest in Kankarbagh P.S. Case No.570/2017, under Sections 406 and 420 of the Indian Penal Code.

The informant alleged that the petitioner happens to be his good friend, persuaded him to invest in his tour and travel agency. The informant invested handsome money. The accused also paid him benefit of his residence for sometime but later on stopped payment of profits of business. A panchayati was held and it was found that the informant invested Rs. 43 lacs in the business of the petitioner. The petitioner entered into an agreement with the informant to pay Rs. 41 lacs to the informant and consequently



issued three cheques in favour of informant. One cheque of Rs. 20 lacs, second of Rs. 18 lacs and the third of Rs. 3 lacs but two cheques were stopped payment and one cheque of Rs. 3 lacs was dishonoured.

Learned counsel for the petitioner submits that the petitioner happens to be good friend of the informant and taking this advantage, informant used to take money from the tour and travel agency of the petitioner situated in Ganesh Vihar Apartment, Nehru Nagar, Patna and took away stamp papers, cheques and other documents from his travel agency for which petitioner lodged Patliputra P.S. Case No. 161 of 2017 against the informant. It is further submitted that the petitioner never took any money from the informant rather the informant turned a plain stamp paper into an agreement.

On the other hand, learned counsel for the informant as well as learned Additional P.P. vehemently opposed the prayer for anticipatory bail and submitted that the petitioner lodged FIR on 22.05.2017, showing wrong address of the petitioner in the accused column. The petitioner himself admitted that the informant happens to be his good friend but the petitioner knowingly did not mention the parentage and address of the informant in his FIR lodged in Patliputra Police Station. In fact,



the petitioner is the resident of Shashtri Nagar. The wife of the petitioner sworn an affidavit, showing his address situated at Shashtri Nagar but since one of the Police Officers of Patliputra P.S. happens to be relative of the petitioner, that is why the petitioner lodged case giving wrong address of the informant in order to create defence.

Having considered the facts aforesaid, it appears that according to the allegation made by the informant himself in his FIR that on being persuaded by the petitioner, he invested money in the business of petitioner and the petitioner also paid benefit to the informant for sometime but later on the petitioner stopped paying benefits to the business of the informant. The dispute appears to be arisen out of business of the petitioner, for which the petitioner is said to have invested money but there is no document to show that the petitioner ever invested money through any bank transaction. The investment itself appears to be without any papers.

Considering the fact that the disputes appears to be arisen out of business transaction, the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order 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 Shri Madhvi Singh, Judicial Magistrate, 1st Class, Patna in Kankarbagh P.S. Case No.570/2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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