

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30600 of 2018

Arising Out of PS. Case No.-371 Year-2017 Thana- ARA NAWADA District- Bhojpur

1. Raj Kumar Gupta
2. Meera Gupta alias Mira Gupta

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mohanji

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh
For the Opposite Party/s : Mr. Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406 and 420/34 of the IPC.

The prosecution case got initiated with the filing of the Complaint Case No. 1246C of 2017 before the learned CJM, Bhojpur, which ultimately came to be registered as Ara Nawada P.S. Case No. 371 of 2017 after the complaint being transferred to the police station under Section 156(3) of the Cr.P.C. The prosecution case is that the informant claims to be a partner in the construction and supply of equipment business with petitioner no. 1. Whenever petitioner required money the informant used to give him. In the year 2012 Petitioner no. 1



demanded Rupees Thirteen Lacs One Thousand for establishing a factory at Bawana, New Delhi in 2012. Consequently, the informant paid Rupees Thirteen Lacs One Thousand to petitioner no. 1 on assurance by him that the same will be returned in 2014. At the time of marriage of the informant's daughter Rupees One Lac was returned and subsequently a cheque of Rs.12,01000/- was issued, which got bounced.

It is submitted by learned counsel for the petitioners that the informant has never been a partner in the business of construction and supply of equipment with the petitioners, rather the informant being an agent of the company of the petitioners, participated in a tender for which the cheque was issued by the petitioner no. 1 which has been misused by the informant. It is further submitted that payment of Rupees Thirteen Lacs One Thousand in cash appears to be absolutely unreasonable. There is no proof with regard to the payment made by the informant to the petitioner. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the complaint with specific accusation.

Considering the accusation arising out of some



business relationship between the petitioners and the informant coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Ara in connection with Ara Nawada P.S. Case No.371 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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