

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38713 of 2018

Arising Out of PS.Case No. -2543 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Indra Nnd Jha, S/o late Vidya Nand Jha,
2. Anita Jha W/o Indra Nand Jha, Both R/o Uday Nagar, P.S.- Sri Nagar,
Distt.- Purnia, Presently residing at Harun Nagar, Sector -1, P.S.- Phulwari
Sharif , Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumar S/o Shiv Shankar Prasad Gupta, R/o Chunauti Kuan, P.O. &
P.S.- Phulwarisharif, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Complaint Case No.2543 of 2017 , registered for offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegation against the petitioners as per the complaint petition is that a partnership deed was executed in between the petitioner and the complainant for running a school and complainant was getting share till February, 2017 and thereafter no share was given to the complainant.

Submission of the learned counsel for the petitioners is that as per direction of the B.D.O., the school was closed and as such there is no question of payment of the share. Further submission is that the case is of civil dispute.



Heard learned A.P.P. and the learned counsel for the complainant. They have opposed the prayer for bail on the ground that the other schools are still being run and even the accounting was not made. .

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Smt. Priya Shekhar, J.M. 1st Class, Patna in connection with Complaint Case No.2543 of 2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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