

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37568 of 2018**

Arising Out of PS. Case No.-62 Year-2016 Thana- KHAGARIA COMPALINT CASE  
District- Khagaria

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Tapeshwari Yadav S/o Late Bhumi Yadav, R/o Vill.- Parwaha, P.S.- Gamariya,  
District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Kumar S/o Late Adhiklal Poddar, R/o Vill.- Khairidih, P.S.- Morkahi,  
District- Khagaria.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      06-07-2018                      Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Complaint Case No. 62C of 2016 registered for offences under sections 406, 420, 120B, 467, 468/34 of the Indian Penal Code read with Section 138 of the Negotiation of Instrument Act.

An allegation has been made that both the party runs the partnership firm. The petitioner as well as the Complainants are the partners. Allegation has been made that the petitioner had taken loan of Rs. 3,02,600/- from the Complainant giving an assurance to return the same but, later on, the petitioner reciled from his commitment to pay back the amount to the Complainant.



Learned counsel for the petitioner submits that it is a business dispute between the parties and the same cannot be given a color of criminal case. There is no act of any criminality against the co-partners.

The petitioners have got no criminal antecedent.

Looking to the entire facts and circumstances of the case as also the dispute being civil in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Complaint Case No. 62 C/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

**(Shivaji Pandey, J)**

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