

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12873 of 2019

Arising Out of PS. Case No.-391 Year-2018 Thana- SUGAULI District- East Champaran

1. Raghvendra Kumar Ranjan, Son of Late Chowra Lal Prasad Resident of Sugauli Bazar, P.S- Sugauli, District- East Champaran, Motihari
2. Ashwani @ Jany @ Janu, Son of late Chowra Lal Prasad Resident of Sugauli Bazar, P.S- Sugauli, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansuman Singh, Adv. Mr. Rakesh Kumar No.1, Adv.
For the State	:	Mr. Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsels for the petitioners and the State.

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

The prosecution case, as per the written report of Rajesh Kumar, dated 15.09.2018, submitted to the Station House Officer, Sugauli Police Station, is to the effect that on 26.06.2015, the informant took a movie theater, namely, Sargam Picture Palace, Sugauli on lease from petitioner no.1, Raghvendra Kumar Ranjan and gave him Rs. 2 lacs as advance. It is alleged that on 30.07.2015, petitioner no.1, forcefully took



the possession of the said movie theatre and when the informant claimed his due amount from petitioner no.1, then petitioner no.1 abused the informant. The informant also claims to have paid Rs. 3,15,000/-, to the petitioner no.1, but during reconciliation, petitioner no.2, being the younger brother of petitioner no.1 undertook to return the alleged amount, but subsequently they did not return the same.

It is submitted by learned counsel for the petitioners that thrust of accusation is against petitioner no.1, as the informant claims to have taken movie theatre on lease from petitioner no.1, though, no documentary evidence to that effect has been brought on record. For the alleged occurrence of 30.07.2015, the FIR has been lodged on 15.09.2018. The accusation against petitioner no.2 is omnibus and general. It is further submitted that the petitioners are the owner of the alleged movie theatre, where the informant was only an operator and on 05.07.2018, the informant committed theft of sound box from the said movie theatre, for which, petitioner no.1 filed Complaint Case No. 1956 of 2018 against the present informant. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against



petitioner no.1.

Considering the delayed lodging of the case and the accusation arising out of contractual nature of dispute when no lease agreement regarding the alleged movie theatre has been brought on record, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, East Champaran, Motihari in connection with Sugauli P.S. Case No. 391 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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