

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21029 of 2019

Arising Out of PS. Case No.-1970 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Bishnu Mangotia @ Bishnu Kumar, aged about 57 years, Male, S/o Late Girdhari Lal, Prop. M/s Begusarai Auto Agency, Singhaul, P.S. Singhaul, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deepak Kumar, S/o Late Naval Kishore Singh, Resident of Village Khamhar, P.S Muffasil, District Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate Mr. Dhananjay Nath Tiwary, Advocate Ms. Preety Kumari, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP
For the Complainant	:	Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-04-2019 Heard both sides.

Petitioner apprehends his arrest in Complaint Case No.1970C of 2017 for the offence allegedly committed by the petitioner under Sections 406, 420, 467 and 468 of the Indian Penal Code.

The complainant in sum and substance alleged that the petitioner being the dealer of Hero motorcycle persuaded the complainant, Sumant Kumar and Murari Kumar to run an agency of Hero Motor at Manjhaul. On such the complainant, Sumant Kumar and Murari Kumar entered into an agreement to run a partnership business and sell Hero motorcycle. The



complainant and one of the partners, namely, Sumant Kumar invested Rs.13,00,000/- each in the partnership business but Murari Kumar took signature of the complainant and Sumant Kumar on plain papers and turned the paper showing that the complainant and Sumant Kumar left the partnership business.

Learned counsel for the petitioner submits that save and except the fact and the allegation that the petitioner persuaded the complainant and others to run an agency to sell Hero motorcycle, there is no allegation against the petitioner that the petitioner ever took any money either from the complainant or any partner of Jai Mangala Auto Agency. From the contents of the complaint petition, it would appear that the dispute arose between the partners of Jai Mangala Auto Agency and petitioner has got no manner of concern with the dispute between the partners of Jai Mangala Auto Agency but the learned counsel for the complainant as well as the learned Additional Public Prosecutor for the State submits that the partners of Jai Mangala Auto Agency in collusion and in connivance with the petitioner misappropriated the money of Jai Mangala Auto Agency and Murari Kumar, accused no.2, forged the document in collusion with the petitioner after taking signature of the complainant and Sumant Kumar on a plain



paper which goes to show that complainant and Sumant Kumar voluntarily part with the partnership business. It appears from perusal of the complaint petition that the complainant of course alleged that the petitioner persuaded the complainant and two other partners to run a partnership agency for selling Hero motorcycle at Manjhaul but there is no allegation that the petitioner ever took any money of the partnership business or participated in the partnership business. The petitioner simply sublet the agency to the complainant and his two partners to sell the motorcycle at Manjhaul.

Considering the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, 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 the learned A.C.J.M.-IV, Begusarai in connection with Complaint Case No.1970C of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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