

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27321 of 2019

Arising Out of PS. Case No.-471 Year-2018 Thana- TEGHRHA District- Begusarai

Sudhir Kumar Jha @ Sudhir Jha S/o Late Balkant Jha, R/o village- Bihat
Ward No. 17, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP.

The petitioner apprehends his arrest in Teghra P.S.
Case No.471 of 2018 registered under Sections 420, 467, 468
and 471 of the Indian Penal Code.

The informant, in sum and substance, alleged that the
petitioner was well acquainted with him from before. The
petitioner started working in Binod Cold Storage and persuaded
the informant to invest money in purchasing potatoes and keep
the same in cold storage. The petitioner is said to have
committed breach of trust.

Learned counsel for the petitioner submits that the
petitioner and the informant were on business term. They used
to keep potatoes in the cold storage and in the peak season they



used to sell the potatoes in the market and distribute the profits equally among themselves. The petitioner has already paid the entire amount to the informant but the informant on the one hand claimed that the petitioner misappropriated his Rs.24 lacs and odd. It is further submitted that the dispute arose out of a business transaction and in a criminal case the dispute cannot be resolved. It requires rendition of account and there is no chit of paper to show that the petitioner ever borrowed any money from the informant for investment in the cold storage.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is a paper showing rendition of account of different transactions and about Rs.24 lacs is lying due.

Having considered the facts that the dispute arose between the petitioner and the informant in course of business transaction and the fact that in one hand the informant claimed to invest money through the petitioner for purchasing potatoes and keeping the same in cold storage but on the other hand this fact has been denied by the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 learned C.J.M., Begusarai in connection with Teghra P.S. Case No.471 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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