

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29339 of 2019

Arising Out of PS. Case No.-1058 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Amarjeet Kumar, Son of Sri Chandesheshwar Prasad, M/s Ravi Services,
Franchisee of D.T.D.C Currior Resident of - Adharsheela Complex, Shop No
- 11, South Gandhi Maidan, P.S.- Gandhi Maidan, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar, Son of Sri Shyam Narain Pandit, Resident of Mohalla -
Hakinganj, Mehandiganj, P.S.- Mehandiganj, Distt - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Deepak

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 14-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.1058 (C) of 2017 for the offence punishable
under Sections 406, 417, 465 and 468/34 of the Indian Penal Code
in which cognizance under aforesaid sections has been taken by
learned Magistrate, Patna.

The allegation against the petitioner as per the complaint
is that complainant was awarded the franchisee of Cable network in
and around Patna by Darsh Digital Network Pvt. Ltd. in the month
of January, 2013 under an agreement entered into between the
complainant and accused No.1 and 2 in complaint case. It has
further been alleged that complainant invested a substantial amount



in the said business and installed equipment optical fiber etc. It has also been alleged that till June, 2016, complainant has paid a sum of Rs.42,08750/- to accused No.1 and 2. It has further been alleged that no invoices were being issued after November, 2015 though the complainant paid subscription fees to accused No.1 and 2 for month to month basis of which receipt was being given to him, all of a sudden accused No.1 and 2 demanded Rs. 20 lakh as subscription in April, 2016. Upon which the complainant demanded detailed account with respect to the alleged subscription dues but the accused No.1 and 2 refused to furnish the detail. It has further been alleged that complainant filed a complaint petition bearing No.442 of 2016 before the Telecom Dispute Settlement Appellate Tribunal, New Delhi in which accused No.1 and 2 appeared on behalf of Darsh Digital Network Pvt. Ltd. and in the written statement, they annexed several courier receipt issued by DTDC on various dates of which the accused No.1 and 2 have allegedly sent bills to the complainant. The complainant alleged that complainant has recently doubted that the aforesaid courier receipt were never sent and forged and fabricated receipts were submitted before the Telecom Dispute Settlement Appellate Tribunal, New Delhi to create false evidence. The complainant further alleged that soon thereafter the complainant went to the



office of accused No.5 and 6 to verify the authenticity of receipt where accused No.5 and 6 stated that those receipt were issued by them. Accordingly allegation is that the accused No.5 and 6 conspired with other accused persons causing loss of 18 to 20 lacs to the complainant.

Learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case based upon the misconceived fact inasmuch as petitioner is not at all involved in the agreement entered into between the accused No.1 and 2 with Darsh Digital Network Pvt. Ltd. on 10.01.2013 and only allegation against the petitioner is that petitioner being the franchisee of DTDC at Patna had allegedly issued courier receipt in favour of Darsh Digital Network Pvt. Ltd. which was used by Darsh T.V. in a case lodged by the complainant before Telecom Dispute Settlement Appellate Tribunal, New Delhi as a piece of evidence.

Learned counsel further submits that on inquiry by the complainant, the petitioner had informed that these receipts were not issued by the petitioner and the petitioner has unnecessarily been dragged in this case in a dispute relating to money between accused No.1 and 2 and the complainant. Learned counsel relying upon paragraph No.3 of the supplementary affidavit submits that the courier receipts which was allegedly being issued by the



petitioner have been annexed by running 136 to 139 of the complaint petition.

Learned counsel further submits that notice was issued to the complainant but despite service of notice, complaint chose not to appear before this Court.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that from perusal of the entire complaint, no specific allegation is made out against the petitioner and at best the allegation is that fake courier receipts have allegedly been utilized by Darsh T.V. in a case lodged by the complainant before the Telecom Dispute Settlement Appellate Tribunal, New Delhi for which the petitioner is not responsible, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the provisional bail granted to the petitioner, namely, Amarjeet Kumar, vide order dated 03.05.2019 is hereby confirmed with the same terms and condition as enumerated in the aforesaid order dated 03.05.2019.

(Anil Kumar Sinha, J)

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