

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32276 of 2019**

Arising Out of PS. Case No.-168 Year-2019 Thana- AHYAPUR District- Muzaffarpur

MUNINDRA KUMAR SHARMA Son of Ram Swarup Sharma Resident of
Village-Chaturi Punash, P.S-Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha
For the Opposite Party/s	:	Mr.Sunil Kumar Pandey
for the Informant	:	Mrs. Bela Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 15-05-2019 Heard both sides.

The petitioner apprehends his arrest in Ahiyapur P.S.
case No. 168 of 2019 registered under Section 406, 420 of the
IPC.

The informant, in sum and substance, alleged that he
gave Rs. 3,06,000/- to the petitioner in presence of Dr. Kanhai
Prasad for doing business of Real Estate. The petitioner is
alleged to have purchased a piece of land from Purushottam
Sharma and sold the same land to different persons and thereby
he earned profit. According to informant, he is also entitled to
get Rs. 6,50,000/- as his share in the profit but the petitioner
again invested money in another land and when the informant
demanded his share the petitioner issued cheque but the cheque



was not honoured with endorsement thereon that there was insufficient amount in the account of petitioner.

The learned counsel for the petitioner submits that informant has already received the amount which would appear from Annexure-2, an agreement executed between two sides. It is further submitted that during the course of business petitioner gave a cheque to the informant but the informant never presented the cheque and disclosed that since there was no sufficient amount in the account of petitioner, the cheque was not honoured. It is submitted that the dispute is purely of civil in nature and by lodging criminal case the dispute cannot be resolved.

On the other hand the learned APP and the learned counsel for the informant, with full force at their command, opposed the prayer for anticipatory bail and submitted that when the police went to arrest the petitioner, the petitioner and his family members made violent protest preventing the police to arrest the petitioner for which the police lodged Ahiyapur PS case No. 462 of 2019.

Having considered the submissions of both sides and from perusal of the records it transpires that informant entered into an oral agreement with the petitioner to have the business



of Real Estate and informant gave Rs. 3,06,000/- to the petitioner. The petitioner is claimed to have returned the money but the informant denied to have received any money from the petitioner.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that dispute is of civil in nature which arose in course of business of Real Estate and for distribution of profit and return of principal amount, the petitioner, above named, in the event of his arrest/ surrender before the 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 his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. case No. 168 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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