

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35549 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

SHAMBHU KUMAR Son of Late Jogendra Prasad Resident of Jamuna
Vihar, Sekhpura, P.S.- Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tilak Sao

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-07-2019 Heard learned counsel for the petitioner, informant and
the learned APP for the State.

The petitioner seeks bail in Ram Krishna Nagar P. S.
Case No. 78 of 2018 instituted for the offence under Section(s)
406 and 509 of the Indian Penal Code.

It is alleged in the written report that informant opened
a marble and granite shop by investing Rs. 14 lacs. The petitioner
was appointed on monthly salary of Rs. 15,000/- and Rs. 45,000/-
was deposited in his account. In the meantime, informant had to go
on job. The informant instructed the petitioner that goods will be
sold after his return and handed over the key to him. After two
months informant returned, but he did not find any material in
godown. The petitioner disclosed that he has sold the same.
Thereafter informant demanded money of articles but he evaded to
pay the same.



Learned counsel for the petitioner has submitted that petitioner and informant were in partnership business. There is dispute of accounting. Prior to lodging of this case petitioner had filed Complaint case bearing No. 5120/C/2017 against the informant of this case on 07.12.2017, which is pending in the court of Chief Judicial Magistrate, Patna. The instant case is counter blast of aforesaid case.

Learned counsel for the informant has opposed the prayer for bail and submitted that informant was never in partnership business with petitioner.

This Court finds that it is a matter of civil dispute for which civil remedy is available.

The petitioner is in custody since 29.3.2019.

Considering the aforesaid, let the petitioner, above named, be released 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 ACJM -cum Sub Judge-XIII, Patna , in connection with Ram Krishna Nagar P. S. Case No. 78 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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