

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44018 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- KAKO District- Jehanabad

1. MADAN SHARMA Son of Saheb Singh Resident of Village - Asiyama, P.S.- Kako (Bhelawar O.P.), District- Jehanabad
2. Ashok Sharma @ Ashok Kumar Son of Ram Nandan Sharma @ Ram Nandan Singh Resident of Village - Asiyama, P.S.- Kako (Bhelawar O.P.), District- Jehanabad
3. Guddu Sharma Son of Madan Sharma Resident of Village - Asiyama, P.S.- Kako (Bhelawar O.P.), District- Jehanabad

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 17-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 420, 406, 379, 504, 506 & 120 B of the Indian Penal Code.

Informant has entered into a partnership business with the co-accused Rinki Devi for running a brick kiln in the name and style of M/s KaMAL Int Udyog. In the year 2016 the said Rinki Devi and her father-in-law sold out bricks and did not render the account. Petitioner no.1 Madan Sharma, who happens to be landlord of the land of said brick kiln, taking the



Rinki Devi and her father-in-law in collusion looted one lakh bricks worth Rs.6 lakhs from his brick kiln.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and has been falsely implicated in this case. As a matter of fact, petitioner Ashok Kumar Sharma who happens to be landlord of the land of brick kiln has executed a lease deed in favour of Rinki Devi on the terms of giving 10,000 bricks of 1st class per year to the petitioners. Said Rinki Devi later on entered into partnership business with the informant but as the Rinki Devi did not accord the bricks to the petitioners as per the terms of the agreement, the petitioners gave legal notice to her and then the Rinki Devi supplied one lakh bricks to the petitioners. The other allegations levelled against the petitioners is not specific rather general and omnibus in nature. This case has been lodged against the petitioners only with an intent to mount pressure upon them and to harass them. Petitioners have no concern with any partnership agreement or rendering any account to the informant. Petitioners have no criminal antecedent.

Learned APP for the State opposed the bail petition.



Having regard to the facts and circumstances of the case, the provisional bail granted to the petitioners vide order dated 24.07.2019 passed by coordinate Bench of this Court is hereby confirmed.

Accordingly, this application is disposed of.

(Prakash Chandra Jaiswal, J)

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