

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63420 of 2018

Arising Out of PS. Case No.-3791 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sudhir Kumar, son of Late Shashi Bhushan Sharma, R/o Village-Sarari, P.S.
Naubatpur, Distt.-Patna
 2. Gopal Krishna, Son of Chandra Shekhar Sharma, R/o Village Ajwan, P.S.
Naubatpur, Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Kumar, Son of Shri Jaynarayan Prasad, R/o Village Sarari P.O.-
Karanja, P.S.-Naubatpur, Distt.-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramanath Kumar

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-04-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323 and 386 of the Indian Penal Code.



The prosecution case as per the complaint petition is that the complainant was the Director of Residential Montessori School at Village Ajwan. On 01.05.2017, petitioner no.1, Sudhir Kumar contacted the complainant and suggests him to shift the said school to Naubatpur in the house of petitioner no.1, and also assured him to provide Rs.3,00,000/- as help on terms of equal share in the profit and loss from the income of the school. On 07.06.2017, petitioner no.1, locked the main gate of the school, consequently, the complainant started teaching to the students of the school on the floor of another house. Thereafter, the petitioner no.1, threatened the complainant to shift the school in his house and forcibly snatched the keys of the school. It is further alleged that co-accused, Sunita Kumari provided bundles of text books of Gyan Ganga Publication costing Rs.61,575/- but subsequently, the complainant came to know that similar books have been added in the second bundle without completing the set of the text books and consequently, the complainant stopped the payment as a result, co-accused, Sunita Kumari called the complainant and co-accused along with other accused persons abused and assaulted the complainant. It is alleged against the petitioner no.2, Gopal Krishna that earlier the complainant had taken a loan from the mother of petitioner



no.2, but petitioner no.2 forcibly obtained signature of the complainant on the stamp paper in which the complainant was compelled to write that he had taken Rs.2,20,000/- instead of the actual received loan amount as Rs.1,00,000/- which caused a huge monetary loss to the complainant.

It is submitted by learned counsel for the petitioners that there is a dispute with regard to breach of agreement between the petitioners and the complainant. It is further submitted that co-accused, Sunita Kumari has been granted privilege of anticipatory bail by Co-ordinate Bench of this Court, vide order dated 17.12.2018 passed in Cr. Misc. No.69583 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the complainant that the petitioners cheated the complainant.

Considering the fact that the accusation is arising out of a breach of term of agreement between the parties, similarly situated co-accused has been granted anticipatory bail by Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender



before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **ACJM-XIV, Patna** in connection with **Complaint Case No.3791(C) of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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