

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55198 of 2019

Arising Out of PS. Case No.-1225 Year-2016 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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TUNTUN MAHTO @ ASHOK NONIA Son of Late Bhondoo Nonia
Resident of Village - Aliganj, P.O.- Aliganj, P.S.- Chandradeep in the district
of Jamui.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shivnath Mahto Son of Budhram Mahto Resident of Village - Bareo, P.O.-
Nemdarganj, P.S.- Akbarpur in the district of Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rahul Nath
For the Opposite Party/s	:	Mr. Ajay Kumar Jha
For O. P. No. 2	:	Mr. Aditya Narayan Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. 1225 of 2016, in which cognizance
has been taken under Section 406 of the Indian Penal Code.

The allegation against the petitioner, on the basis of
the complaint, is that the complainant had given a sum of Rs.
4,00,000/- to the petitioner and others for running a business of
the petitioner with understanding that the amount in question
would be returned by the petitioner and others with profit earned
in the business and interest, if any. However, the amount, in
question, was not returned by the petitioner and others to the



complainant.

Learned Counsel for the petitioner submits that from perusal of the complaint, it would be evident that there was agreement between the parties for investment of a sum of Rs. 4,00,000/- by the complainant in the business of the petitioner and at best the dispute gives rise to breach of contract and is civil in nature. He further submits that no offence under Section 406 of the Indian Penal Code is made out on bare perusal of the complaint.

After having heard learned Counsel for the parties and taking into consideration the fact that there was business transaction between the parties and the complainant had given the amount in question for running the business by the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Tuntun Mahto @ Ashok Nonia, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate-VI, Nawada, in connection with Complaint Case No. 1225 of 2016, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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