

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46395 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- KAKO District- Jehanabad

Baleshwar Sharma, Aged about 65 years, Male, Son of Late Deo Narayan Singh, Resident of Village - Gopalpur, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-07-2019 Heard both sides.

Petitioner apprehends his arrest in Kako P.S. Case No.19 of 2019, registered under Sections 420 and 406 of the Indian Penal Code.

The informant alleged in his written petition that on 14.11.2017, the informant and Baleshwar Sharma, the petitioner, entered into an agreement to do business of brick kiln in partnership. It is alleged that the informant invested Rs.3,22,500/- and on 28.02.2009, another agreement was executed with the intervention of the well wishers of both the sides. Baleshwar Sharma, the petitioner, agreed to return Rs.2,50,000/- out of Rs.3,22,500/- by 30th of June, 2009 and the remaining amount was to be also returned but the petitioner did not pay any amount or the interest thereon on account of non-payment of the agreed payment.

Learned counsel for the petitioner submits that no



offence under Section 420 or 406 of the Indian Penal Code is made out. It is a matter of dissolution of partnership. The informant himself alleged that firstly the informant and the petitioner had entered into an agreement of partnership to run a brick kiln. Later on after about two years, both the sides entered into an agreement and dissolved the partnership. It was agreed to refund Rs.2,50,000/- to the informant. The money has already been refunded to the informant. If any amount lying due to be paid, the same is disputed. No criminal case is made out.

Taking into consideration the facts and the nature of allegations made against the petitioner and the fact that the petitioner claimed to have returned the entire amount, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged 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 learned Judicial Magistrate, 1st Class, Jehanabad in connection with Kako P.S. Case No.19 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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