

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48866 of 2019

Arising Out of PS. Case No.-102 Year-2019 Thana- BUXAR District- Buxar

SITARAM AGARWAL Son of Late Mahavir Prasad Resident of Kundla City,
Kharsiya Road, P.S.- Ambikapur, District- Sarguna, Chhattisgarh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr.Anish Chandra, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner, learned APP
for the State and also for the informant.

The petitioner in the present case is seeking anticipatory bail in connection with Buxar (Town) P.S. Case No. 102 of 2019 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

At the outset, learned counsel for the informant-opposite party no. 2 submits that in the order dated 06.08.2019 because of shifting of the words, the meaning of the second last paragraph of the order has changed. In fact it was the submission of learned counsel for the opposite party no. 2 that he had made payment of Rs. 3,92,000/- to the petitioner through accounts.

Learned counsel for the petitioner submits that in the



totality of the facts and circumstances of the case where it is evident that there had been a business relationship between the parties and the petitioner had handed over 7 trucks to the informant for running in the State of Bihar and out of 7 trucks, two trucks are still in possession of the informant and during this period as per his own affidavit the informant has paid only a sum of Rs. 3,70,000/-, in the totality of the circumstances this being a pure business dispute between the parties, the petitioner deserves privilege of anticipatory bail.

Learned counsel for the opposite party no. 2 submits that out of the 2 trucks which are said to be in possession of the opposite party no. 2, one of the trucks is lying with the Police.

It is, however, not disputed that the parties had been carrying the business relation where dispute has arisen out of that.

In the facts and circumstances of the case where it is evident that both the parties had entered into some business relationship in course of which the dispute has arisen over certain transactions, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Buxar (Town) P.S. Case No. 102 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/-



(fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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