

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54636 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- BHAGWANPUR District- Begusarai

RAJEEV KUMAR @ RAJEEV PRASAR S/o Kamla Kant Singh @ Kamal
Kant Singh R/o village- Mehdauli, P.S.- Bagwanpur, District- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 The petitioner apprehends his arrest in connection with
Bhagwanpur P. S. Case No. 60 of 2019 registered under
Sections 406 and 420/34 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that
petitioner along with his father Kamal Kant Singh visited the
house of the informant and persuaded him to invest some money
in their firm namely M/s Komal Construction for which
informant would be given 25% profit. It has further been alleged
that when informant demanded his profit amount, petitioner and
others started evading request of the informant however they
ultimately calculated 48,00,000/- as profit against a sum of Rs.
17,40,000/- invested by the informant. It has also been alleged
that when the informant demanded money back, a cheque dated
05.01.2019 for a sum of Rs. 15 lacs was given by the father of
the petitioner Kamal Kant Singh to the informant, which was



presented before the bank but the same got bounced due to insufficient fund.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case inasmuch as from perusal of the FIR itself, it would be evident that petitioner himself agreed to become a partner of the firm run by father of the petitioner in the name and style of M/s Komal Construction . He submits that a dispute had arisen between the parties relating to business transaction willingly entered into by the petitioner along with his father and others. He submits that from the allegation made in the FIR, at best, a case under Section 138 of Negotiable Instrument Act is made out and not the offence which has been alleged against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that there was business transaction between the parties and in course of transaction, a sum of Rs. 15 lacs was given by the father of the petitioner to the informant, which ultimately bounced, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on



bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai in connection with Bhagwanpur P.S.Case No. 60 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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