

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56905 of 2019

Arising Out of PS. Case No.-1058 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. NILESH KUMAR SINHA Son of Sri Parmanand Yadav Resident of -
Suprabhat Building, 2nd floor, CEAT compound, Exhibition road, P.S-
Gandhi Maidan, Dist.- Patna. At present resident of 501, Om Prabhat
Enclave, Road No. 3, Judges Colony, Saguna More, P.S.- Danapur, District -
Patna.
 2. Sushil Kumar @ Sushil Kumar Yadav Son of Sri Mahendra Prasad Singh
Resident of Suprabhat Building 2nd Floor, CEAT Compound, Exhibition
Road, P.S.- Gandhi Maidan, Distt - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Santosh Kumar Son of Shyam Narayan Pandit Resident of Mohalla -
Hakimganj Mehandiganj, P.S.- Mehandiganj, Distt - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for
the offence punishable under Sections 406, 417, 465, and 468 read
with 34 of the Indian Penal Code.

Allegation against the petitioners is of alluring the
complainant to invest money in the Cable Network business to
earn heavy profit. Further allegation against the petitioners is of
grabbing the money of the complainant to the tune of Rs. 18-20
Lacs which was due to him in terms of contract but was not paid



by accused.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case and nature of dispute is commercial and no criminal offence is made out. Petitioners are Directors of M/s Darsh Digital Network Private Ltd. and petitioner no. 1 has resigned from the post of Director of the said company. It has been further submitted that petitioners company had raised invoices demanding subscription fee from the complainant and as such the complainant being annoyed has filed this case. Petitioners have got no criminal antecedent. Inter se money claim between parties is being adjudicated before TD-SAT, Delhi.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Complaint Case No. 1058(C) of 2017**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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