

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55598 of 2019

Arising Out of PS. Case No.-29415 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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RAVI SHANKAR SHARMA Son of Sri Tarkeshwar Prasad Sharma Resident
of House No.-41, Sulatanpur Koiri Tola, Near Kushwaha Panchayat Bhawan,
Dinapur-Cum-Khagaul, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar Son of Sri Raj Kishore Pandey Gardanibagh Road No.-02,
Quarter No.-35, Near Pani Tanki, Patna-800001 At present residing at
Village - Betaura, P.O. and P.S.- Beur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 29415(C) of 2014 registered under

Sections 406/34 of the Indian Penal Code.

Allegation against the petitioner, as per complaint, is that

complainant was appointed as C&F Agent of the company
namely Taj Technotec. Ltd for the territory of Bihar. It has been
alleged that at the time of signing of the agreement, the
complainant had given a sum of Rs. 15 lacs to the company with
condition that company will provide godown and supporting
staff for the purpose of running C & F business and the
complainant would be given commission accordingly by the



company. It has further been alleged that commission amount of the complainant was not being given by the company, however, in the year 2014, three cheques of the amount of Rs. 6 lacs were given to the complainant by Bhupendra Acharya, who is Managing Director of Taj Technotech Ltd. And petitioner was only a witness in the agreement entered into between the complainant and the Managing Director of the company and others dated 08.02.2013, which is part of the FIR.

Mr. R.S.Pradhan, learned senior counsel for the petitioner submits that petitioner has unnecessarily been dragged in this case inasmuch as petitioner is not one of the parties in the agreement entered into between the Managing Director of the Company and the complainant and petitioner is only a witness in the said agreement. Learned senior counsel further submits that cheques were issued by the authorised signatory of the company and not by the petitioner, as would be evident from page nos. 44 to 46 of this application and from perusal of the complaint and legal notice, it would also be evident that on the basis of allegation made in the complaint at best offence under Section 138 Negotiable Instrument Act is made out against the signatory of the cheques and the petitioner is admittedly not the signatory.



After having heard learned counsel for the parties and taking into consideration the fact that dispute arises out between the parties pertaining to an agreement and it appears that company and its officials has issued cheque in favour of the complainant which has ultimately bounced and the petitioner is one of the witnesses in the said agreement, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, 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 Judicial Magistrate, 1st Class, Patna in connection with 29415 (C) of 2014; 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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