

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77333 of 2019

Arising Out of PS. Case No.-567 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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1. Premdeep Kumar S/o Umakant Thakur R/o village- Indragachhi, P.S.- Sangrampur, District- East Champaran at Motihari. At present Mohalla- Ward No. 31, Shri Krishnanagar, P.S.- Town Motihari, District- East Champaran
 2. Deep Ranjan Thakur @ Deep Ranjan Kumar Thakur S/o Brij Kishore Thakur R/o village- Indragachhi, P.S.- Sangrampur, District- East Champaran at Motihari. At present Mohalla- Shri Krishnanagar, P.S.- Town Motihari, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate with
Mr. Rakesh Kumar Sharma with
Mr. L. K. Sharma, Advocates

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-12-2019

Heard Mr. Rama Kant Sharma, learned senior
counsel for the petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Motihari Town PS Case No. 567 of 2019 dated 12.08.2019
instituted under Sections 409/420/341/323/504/34 of the Indian
Penal Code.

3. The allegation against the petitioners and five
others is of causing illegal loss to the informant in business



dealing and further of threatening him.

4. Learned counsel for the petitioners submitted that there is no direct nexus of the petitioners to the business of the informant even as alleged in the FIR, as it is stated that it was the father of petitioner no. 1, who is the uncle of petitioner no. 2, who had a business partnership in which it is claimed that various amounts were invested by the informant in the year 2014 and in the year 2017 a dispute had arisen but thereafter again there was a patch up, but finally for the period November, 2016 and December, 2017, it is alleged that the petitioners along with other accused had caused loss of Rs. 1,33,00000/-. Learned counsel submitted that admittedly the petitioners had no deal or agreement with the accused and just because they may be related to the partner of the informant, their implication in a criminal case cannot be justified, either on facts or in law. It was further submitted that even otherwise the allegation itself is purely a business dispute, which is civil in nature, and should have been settled through the process of the Civil Court and the criminal case is clearly an abuse of the process of the Court.

5. Learned APP submitted that as per the allegation, the petitioners had also caused monetary loss to the informant. However, on a query of the Court as to how for such monetary



loss criminal case can be justified, learned APP fairly submitted that the remedy available to the informant was to move the Civil Court of competent jurisdiction for recovery of any monetary loss which may have been caused to them.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in Motihari Town PS Case No. 567 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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