

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82577 of 2019

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

Umakant Thakur aged about 51 years, Male, Son of Ram Vilas Thakur
Resident of Village - Indragachhi, P.S.- Sangrampur, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.
Mr. L.K. Sharma, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Motihari Town P.S. Case
No. 567 of 2019 registered for the offence under Sections 409,
420, 341, 323, 504/34 of the Indian Penal Code.

The prosecution case is that one Amit Kumar Singh
alleged in his written application that he was doing business
with petitioner in partnership since 2014 and after a few years
i.e. in 2017, they executed a registered partnership deed and on
the direction of petitioner, he invested huge amount in the said
business as well as the informant also transferred huge amount
in different accounts of petitioner. It is further alleged that the
petitioner did not make any accountancy in this regard and also
did not return any money to him (informant), which was



transferred by him and altogether, petitioner defalcated a huge amount i.e. Rs. 1,33,00000/- (Rupees one crore & thirty three lacs).

It is submitted on behalf of petitioner that it is purely a business dispute, which is civil in nature, and the same can be solved through negotiation, but the present case has been instituted, which is an abuse of the process of court. It is further submitted that no such transaction was made. Neither any money was misappropriated nor the petitioner has taken any money out of the business. It is out-and-out a false case, in which, petitioner is languishing in jail since 13-11-2019. It is also submitted that two co-accused have been granted anticipatory bail by this Court, vide order/judgment dated 02-12-2019 passed in 77333 of 2019 (Annexure – 2 to the petition).

Learned A.P.P. as well as learned counsel for the informant have vehemently opposed the prayer for bail. It is submitted on behalf of the informant that the petitioner has misappropriated Rs. 1,33,00000/- and as such, it may not be proper to release him on bail.

Considering the aforesaid facts and circumstances as well as the fact that it is a case of civil in nature, in which,



petitioner has already remained in custody since 13-11-2019 and having clean antecedent, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Motihari Town P.S. Case No. 567 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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