

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2072 of 2020**

Arising Out of PS. Case No.-1585 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Ajay Sharma, Son of Jai Ram Sharma Resident of Village - Umtha, P.S.-
Makdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dinanath Singh Son of Late Lutan Singh Resident of Dadpur, P.S.- Belaganj,
District - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Lakshmi Kant Sharma
For the Opposite Party/s :		Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.1585 of 2018, in which cognizance under
Sections 323, 341, 324, 307, 406, 504, 379 and 420/34 of the
Indian Penal Code has been taken.

The allegation against the petitioner as per the
complaint that the marriage of son of the petitioner was fixed
with the grand daughter of the complainant in which a sum of



Rs. 4 lakh was given by cheque in the name of Kashyap Engineering Partnership Firm in which the petitioner is one of the partners. It has further been alleged that said amount was paid as gift for the marriage by the complainant but after receipt of total amount of Rs. 5 lakhs, i.e, 4 lakhs by cheque and one lakh by cash, the petitioner refused to fix the date of the marriage of his son with the grand daughter of the complainant and misappropriated the amount of the complainant.

Mr. Ramakant Sharma, learned senior counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive and on the basis of *mala fide* complaint inasmuch as from perusal of Annexure-2 to this application, it would be evident that the petitioner is one of the partner of partnership firm, namely, Kashyap Engineering, which is engaged in the maintenance of building, roads, construction etc. Learned senior counsel further submits that the fact of the matter is that some petty contract was awarded to the complainant by the firm of the petitioner for which, a sum of Rs. 4 lakh was given by the petitioner to the firm of the petitioner, i.e., in the name of Kashyap Engineering. Learned senior counsel further submits that based upon concocted story, the present complaint has been lodged.



On the other hand, Mr. Rajesh Kumar Sharma, learned counsel appearing for the complainant-Opposite Party No.2 vehemently opposes the prayer for anticipatory bail and submits that it was at the behest of the petitioner that a sum of Rs.4 lakhs towards preparation of marriage of the grand daughter with the son of the petitioner was given in the name of Kashyap Engineering, as a partnership firm owned by the petitioner. Learned counsel further submits that the complainant was Government servant and there is no material to show that petty contract or any contractual agreement was made between complainant and petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the amount of sum of Rs.4 lakhs was given by the complainant by cheque in the name of partnership firm, namely, Kashyap Engineering, I am inclined to grant anticipatory bail to the the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Gaya, in connection with



Complaint Case No.1585 of 2018, subject to the condition as
mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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