

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75280 of 2018

Arising Out of PS. Case No.-28 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raj Kumar Gupta son of Sri Babu Lal Gupta.
 2. Harish Kumar Gupta, son of Late Shyam Sundar Gupta.
 3. Vikash Kumar Gupta, son of Prem Chand Gupta, All Resident of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. Bara Bazar, Kolkata, District- Kolkata, West Bengal.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Surendra Prasad, son of Late Ramchandra Sah, Resident of Salempur, Gola Road, Dalpatti, Barh, P.S. Barh, District Patna, Partner- Proprietor M/s. M.J. Enterprises, Dal Mills, Salempur, Gola Road, Dalpatti, Barh, P.S. Barh, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 17-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in **Complaint Case No. 28C of 2013**, registered for the offence punishable under Sections 420, 406 and 120B of the Indian Penal Code.

The complainant alleged that petitioners took Rs. 2,00,000/- as advance money for providing 20 tonne Masoor Dal at the rate of Rs. 3325/- per quintal, when the complainant did not get Masoor Dal within the stipulated time, he inquired



about the same from the petitioners, but the petitioners refused to give the same and said that they will provide Masoor Dal at the rate of Rs. 3700/- per quintal. Thereafter, the complainant demanded his advance money, but the petitioners did not return the same.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. It is further submitted that altogether seven complaint cases have been filed by the informant and his son against these petitioners. Out of them, two cases have been quashed by this Hon'ble Court vide order dated 03.01.2019 passed in Cr. Misc. No. 3408 of 2014 and dated 20.02.2019 passed in Cr. Misc. No. 47499 of 2014. It is further submitted that dispute relates to financial transaction arising out of commercial agreement.

Considering the facts aforesaid and the fact that the dispute is purely civil in nature, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of **eight** weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate Ist Class, Barh, Patna** in



connection with **Complaint Case No. 28C of 2013**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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.

(Prabhat Kumar Singh, J)

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