

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36810 of 2021

Arising Out of PS. Case No.-1643 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

Pratibha Kumari, aged about 44 years, female, Daughter of Sri Shiva Shankar Prasad, presently residing at C/o Uma Shankar Prasad, L.I.G. 30, Housing Board Company, Bhagalpur, permanent address - Bharko, Post - Bharko, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Animesh Ankur, male, Son of Anil Kumar Sinha, Resident of 18, Shivajee Path, Rajputana, Yarpur, P.S. - Gardanibagh, District - Patna.
3. Amrita Kumari, female, Daughter of Late Amit Kumar Choudhary, Resident of Bari Patan Devi, Patna City, P.S. - Alamganj, District - Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Adv.
For the O.P. Nos. 2-3	:	Mr. Ajay Kumar Thakur, Adv.
For the State	:	Mr. APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 01-12-2021 Heard Mr. Vishwajeet Kumar Mishra, the learned Advocate for the petitioner and Mr. Ajay Kumar Thakur, the learned counsel for the opposite party Nos. 2 and 3. The State is represented by the learned APP.



The opposite party Nos. 2 and 3 had been granted the privilege of anticipatory bail by this Court vide order dated 04.01.2021 passed in Cr. Misc. No. 34781 of 2020 in connection with Complaint Case No. 1643 of 2016. While passing the order, this Court had noted that the allegation was limited to the extent that the essence of contract regarding time was not diligently followed by the opposite parties and that they had not returned the commission amount of Rs. 11,80,679.50/-. This Court had also recorded the submission of the counsel for the opposite parties (petitioners therein) that they are ready to settle the differences with the opposite party No. 2 (petitioner herein).

The present petition for cancellation of bail has been filed on the ground that during negotiations, the opposite party Nos. 2 and 3 refused to part with the commissionage.

The counsel for the petitioner, therefore, has submitted that in order to obtain bail from this Court, such a statement was made by the opposite parties which they never meant to uphold. Thus, he submits that the bail



granted to the opposite party Nos. 2 and 3 be cancelled.

The assurance of settling the differences was one of the considerations for grant of bail. Nonetheless, any assurance of holding parleys for settling the differences does not *ipso facto* mean acceding to the demand of the other side.

This is out and out a business dispute.

Considering the afore-noted ground urged by the counsel for the petitioner for cancellation of bail, which, in the opinion of this Court, is not worthwhile to consider, the application is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

