

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.155 of 2021

Arising Out of PS. Case No.-1391 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Prafulla Kumar Kapri @ Praful Kumar Kapri @ Prafulla Kapri Son Of Madan Mohan Kapri Baidadih, P.S.- Amarpur, District- Banka.
 2. Madan Mohan Kapri Son of Late Mishri Kapri Village- Baidadih, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kumar Verma Son of Late Surendra Narayan Verma Village/Mohalla- Laluchak Angari, P.S. Lodipur, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Balram Kapri, Adv.
For the Opposite Party/s	:	Mr. Tapeshwar Sharma, A.P.P.
	:	Mr. Madan Mohan, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-10-2021 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1391 of 2018 for the offence punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

The entire prosecution case, in nutshell, is that the complainant and the petitioners have agreed to entered into



an agreement with respect to operation of a School having name and style as Mount Vision School, Ballikitta, Banka as a partner and according to their understanding, he invested six lacs along with his share to the extent of 30 percent for the smooth functioning of the School. Thereafter, in due course, the petitioners alleged to have formed a Trust for operation of the said School without making the complainant as a Member of the said Trust. Being left with no option, the complainant asked for return of his invested amount and on being so, the petitioners have abused him and refused to return his money. Hence, the entire complaint is filed.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, the petitioners happen to be land owner of the School building in which, the complainant was officiating as a Principal with the consent of these petitioners for which, the complainant has been paid. So far as investment of the complainant is concern, every single penny has been paid to him and to that effect the complainant himself has sworn an affidavit in Non Judicial Stamp, which is evident from Annexure-2 to the



present application. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned counsel for the complainant vehemently opposed the submission of the petitioners and submits that the affidavit, which is a part of this application as Annexure-2, has wrongly been prepared in order to grab his money.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of their arrest or surrender before the court below within a period of four weeks be released 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 Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1391 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Rajesh Kumar Verma, J)

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