

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.740 of 2021

Arising Out of PS. Case No.-1219 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

=====

RAMJEE CHAUDHARY @ RAMJEE CHAUDHRY, Son of Lalan Chaudhary Prop. Bambam Store, Mithapur, Purandarpur, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Munka, Son of Late Ram Gopal Munka Director, Nasariganj Floor Mills Ltd., Nasariganj, P.S.- Danapur, P.O.- Digha, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Paras Nath
For the Opposite Party/s : Mr.APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-06-2021 Heard Mr. Paras Nath, learned counsel for the petitioner and Satya Prakash Prasar, learned counsel for the complainant / Opposite Party No. 2. The State is represented by learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 1219(C) of 2019, in which cognizance has been taken under Section 420 of the Indian Penal Code.

The complainant is a flour mill owner who has alleged that even after accepting supplies from him, the



petitioner, who is the owner of a shop, has not paid his dues. A written notice also was given to him but to no avail.

The learned counsel for the petitioner has submitted that it is out an out a business dispute between the parties and a criminal case has unnecessarily been filed against the petitioner.

From the averments made in the complaint petition itself, it would appear that there is no intention of cheating. He has further submitted that assuming that some amount is due against the petitioner which is required to be paid to the complainant, that by itself would not entail any criminal liability.

As opposed to the aforesaid contentions, Mr. Parasar, learned counsel for the complainant has submitted that the intention to cheat is reflected from the fact that the petitioner has closed down his shop.

The learned counsel for the petitioner in response to the aforesaid statement has submitted that



the closure of his shop can be for myriad reasons and not particularly for misappropriating the amount which is due against him.

Apart from this, it has been submitted that there is a mis-match in the amount which is required to be paid by him to the complainant in the complaint petition as well as in the notice.

Regard being had to the nature of accusation against the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – V, Danapur, District – Patna in connection with Complaint Case No. 1219(C) of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.



The application stands allowed.

(Ashutosh Kumar, J)

skm/-

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

