

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21510 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- MADHEPURA District- Madhepura

Dr. Birendra Kumar @ Birendra Kumar, aged about 43 years (Male), S/O Hazari Prasad Mandal, Founder H.R. Hospital, Madhepura, West Bypass Road, Madhepura, R/O Village- Madhepura, Ward No. 07, P.S.- Madhepura, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioner and learned counsel for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 125/2022 for the offence registered under Sections 420, 406 and 506 of the I.P.C.

The prosecution story, in brief, is that the informant being the representative of ‘*OROSYS LIFE SCIENCES*’ and ‘*PSV PHARMA*’ has supplied medicines to Dr. Birendra Kumar @ Birendra Kumar (petitioner), being the Director of H.R.



Hospital, New Bypass Road College Chowk, Madhepura, amounting to Rs. 7,23,710/-but the petitioner cheated the informant and defalcated the said amount and has not paid the said amount to the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per allegation, from time to time, the informant claims to have supplied medicines to H.R. Hospital to which the petitioner is said to be the Director. Learned counsel for the petitioner submits that the informant, petitioner and one Anshu Kumar Singh are in partnership and they are running medicine business. The partnership deed is Annexure-2 to the present application where the informant is also party to the said partnership deed. It is further submitted that there is business transaction between the parties and the matter relates to the civil dispute.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Madhepura, in connection with Madhepura P.S. Case No. 125/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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