

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42995 of 2021

In
CRIMINAL MISCELLANEOUS No.37821 of 2017

Arising Out of PS. Case No.-134 Year-2017 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. PAWAN KUMAR JAIN S/o LADDU LAL JAIN R/o MOHALLA-MIRSAFYAT GODOWN ROAD, P.S-KOTWALI, DISTRICT-GAYA
 2. CHAKRESH JAIN @ CHAKLED KUMAR JAIN S/o PAWAN KUMAR JAIN PROP. SRI SINGI TRADER, R/o MOHALLA-MIRSAF YAT GODOWN ROAD, P.S-KOTWALI, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners as well as the learned APP for the State.

The present application has been filed for modification of the order dated 11.08.2017, passed in Cr.Misc. No. 37821 of 2017, by which the petitioners were granted anticipatory bail.

The learned counsel for the petitioners has



submitted that while granting anticipatory bail to the petitioners in Cr.Misc. 37821 of 2017 under order dated 11.08.2017, in the 4th paragraph, it has been mentioned as follows:-

“Submission is that the petitioners are purchasers and they paid the price of the sugar as per the direction of the complainant in two different accounts and in another proceeding Enforcement Directorate seized one of the accounts so it is not a case of cheating or breach of trust.”

The learned counsel for the petitioners has submitted that it was not the submission of the petitioners that they paid the price of sugar as per the direction of the complainant in two different accounts.

It has been submitted that as a matter of fact, the petitioners have mentioned in paragraph nos. 12 and 13 of the bail petition in which it has been categorically mentioned that there was business relation between the petitioners and the informant and because of some disputes relating to accounts the petitioners have been falsely implicated. It has also been mentioned in paragraph 13 of the bail petition that the petitioners have not placed any order of sugar from the informant for transaction in question and further the petitioners had not received the sugar in question from the informant as



alleged by him and therefore the alleged account from which the amount has been transferred to the Firm of the petitioners does not belong to them.

There is no material before this Court to verify the fact whether the above mentioned submissions were made before the Court at the time of hearing of anticipatory bail vide Cr.Misc. No. 37821 of 2017 or not. But the above mentioned facts have categorically been mentioned in paragraph nos. 12 and 13 of the bail petition, which is contrary to the submission as mentioned in that order.

With these observations, this application is disposed of.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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