

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61796 of 2021

Arising Out of PS. Case No.-435 Year-2020 Thana- KANKARBAG District- Patna

SUDHANSHU SHEKHAR @ RAVI KUMAR S/o Shri Raghbir Prasad
Singh R/o Village - Painal, P.S. - Bihta, District - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

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

ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
counsel for the informant.

The petitioner apprehends his arrest in connection with
Kankarbagh P.S. Case No. 435 of 2020, registered for the offences
punishable under Sections 406, 420 and 34 of the Indian Penal Code.

As per allegation, the petitioner at the pretext of making
partner in his petrol pump took rupees seven lac and two blank
cheques from the informant. Later on, he did not stand to his words
neither returned the money.

Learned counsel for the petitioner has submitted that the
petitioner is a petrol pump owner and the informant is a transporter.
The petitioner used to provide fuel for the lorries of the informant on



credit and the informant used to pay the dues time to time. The xerox copy of the ledger has been annexed. The entries whereof shows that there was some transaction between the informant and the petitioner. Learned counsel for the petitioner has further submitted that one Ashwini Kumar Shekhar, who is staff of the petitioner lodged a case against the informant i.e. Bihta P.S. Case No. 697 of 2020 with the allegation that the informant was not making payment of the dues of the fuel. Learned counsel for the petitioner has also submitted that even if it is assumed to be true that there is an agreement between the informant and the petitioner for inducting the informant as one of the partner in the petrol pump that matter is of civil nature and it does not attract the criminal liability.

On the other hand, learned counsel for the informant has submitted that the petitioner duped the informant by not making him partner despite he has paid rupees seven lacs to the petitioner. He has also submitted that the FIR lodged by the staff of the petitioner against the informant is subsequent to the present FIR.

Considering the above-mentioned facts and circumstances, the present dispute appears to be one of the civil nature. The criminal liability does not attract prima facie. As such, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Arvind



Kumar Singh, learned Judicial Magistrate 1st class, Patna in connection with Kankarbagh P.S. Case No. 435 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all 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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