

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9415 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Ashish Kumar Halder, Son of Late Niranjan Howlader R/o Flat No. 301,
Lotus Apartment, Block- A, New Patliputra Colony, P.S.- Patliputra, District-
Patna, PIN- 800013

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey, Advocate
	:	Mr. Sanjay Kumar Singh, Advocate
	:	Mr. Shashank Shekhar Dubey, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, A.P.P.
For the Informant	:	Mr. Arshad Jameel Hashmi, Advocate
	:	Mr. Kamal Kishor Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Mithanpura P.S. Case No. 141 of 2022 instituted under
Sections 406, 420, 467, 468, 471, 419, 120(B)/34 of the Indian
Penal Code.

3. The allegation against the petitioner is that he is
Chartered Accountant of the informant and on his instruction,
the lease agreement was prepared for let out on rent of 3337 Sq.
ft. area of Food Court in the Grand Mall owned by the
informant to brother's creation partnership firm in which co-
accused persons namely Neeraj Gandhi and Rohan Singh are



partners who had given 21 pieces of post dated cheques later on out of that six cheques were encashed and fifteen cheques were bounced for which informant has filed separate complaint under Section 138 of N.I. Act.

4. Learned counsel for the petitioner submits that petitioner is a practicing Chartered Accountant and he has nothing to do with the business transaction between the informant and the co-accused. Petitioner's role is only confined to the services to the extent of the drafting of the lease deed. The allegation against the petitioner is false and concocted. There is no criminal or civil liability against the petitioner. He further submits that co-accused Rahul Gandhi and Neeraj Gandhi have been granted anticipatory bail by Coordinate Bench of this Court vide order dated 01.06.2023 and 14.07.2023 in Criminal Misc. No. 17926 of 2023 and 28263 of 2023 respectively. He also submits that the dispute pertains to the tenant - landlord for which the informant has already filed a complaint case against the dishonour of the cheques and money suit for recovery of arrear of rent. Petitioner has two criminal antecedents in which he is on bail.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail.



6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur (East) in connection with Mithanpura P.S. Case No. 141 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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