

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21575 of 2023

Arising Out of PS. Case No.-1226 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Prem Prakash Choudhary, Son of Late Rameshwar Nath Choudhary, Village-
Mirja Chauki P.S.- Mirja Chauki Dist- Sahebganj Jharkhand.
 2. Ramesh Ranjan Choudhary, Son of Om Prakash Choudhary, Village- Mirja
Chauki P.S.- Mirja Chauki, Dist- Sahebganj Jharkhand

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Kotwali P.S. Case No. 1226 of 2022 registered for the offences punishable under Sections 406, 420, 467, 468 of the Indian Penal Code. Petitioner No. 1 has got two criminal antecedents whereas Petitioner No. 2 has got no criminal antecedent.

As per the prosecution story, the informant alleged that he has entered into a partnership agreement with the petitioners in the year 2018 in the state of Jharkhand. As per the said agreement, the informant invested total sum of Rs.34,00,000/- (Rupees Thirty Four Lacs) and when the



mountain blast took place in the year 2018 and the process of selling the stone was going to be started, the petitioners denied to give the share of the informant. The informant sent his man Sudhir Kumar Pandey to negotiate regarding the same but he was abused and assaulted by the petitioners. Since then, the petitioners are not returning the informant his share.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the dispute is regarding partnership between the parties. It is further submitted that the transaction is purely civil in nature.

Learned APP for the State has opposed the anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the dispute is that of partnership between the parties and a bare reading of the FIR would show that the present case has been lodged for recovery of money and even as per observations of the learned Addl. Sessions Judge-XIV, Bhagalpur, the transaction is of civil nature, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in



connection with Kotwali P.S. Case No. 1226 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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