

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25681 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- TILAUTHU District- Rohtas

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Sant Lal Singh Son of Sri Shyam Narayan Singh R/O Village- Mohanpur,
P.S.- Kudra, District- Kaimur (Bhabhua). Petitioner.

Versus

1. The State of Bihar.
2. Binod Prasad Gupta, Branch Manager, Utara Foods and Feeds Private
Limited, resident of village & P.O. Pachaua, P.S. Hariharganj, District Palamu
(Jharkhand). Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-08-2023

Perused the office notes.

2. By order dated 01.09.2022, notice was issued to
opposite party no.2, which was received by his son.

3. Learned counsel for the petitioner has filed a
jointness petition stating that opposite party no.2 is living with
his son in mess and business jointly. Hence, the notice issued to
opposite party no.2 may be deemed to be validly served.
Learned counsel for the petitioner has also filed two copies of
the bail application and the same is kept on record.

4. In view of the aforesaid, the service of notice
upon opposite party no.2 is deemed to be validly served.

5. Heard learned counsel for the petitioner and
learned A.P.P. for the State but in spite of valid service of notice
none is present on behalf of opposite party no.2.



6. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 406/420 of the Indian Penal Code.

7. The allegation against the petitioner is that he has dishonestly misappropriated Rs.13,39,779/- of the informant's company/opposite party no.2.

8. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to personal grudge and ulterior motive at the instance of his enemies. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of about more than one month without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that the petitioner has filed an informatory petition on 30.11.2021 before the C.J.M., Bhabua stating therein that Company and its Branch Manager committed cheating and misused papers of the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State opposed the prayer for bail.



10. Having regard to the facts and circumstances of the case as the dispute between the parties is of business transaction and purely civil in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Tilauthu P.S. Case No. 218 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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