

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28684 of 2023

Arising Out of PS. Case No.-1043 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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RANJEET KUMAR @ CHUNNA Son of Sri Ram Prakash Yadav Resident of
Village - Madhuban Jhalighat, P.S.- Janki Nagar, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Prasad Gupta Son of Late Bhogi Lal Das Resident of village -
Madhuban Sadhupur Tola, P.S.- Janki Nagar, District - Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 11-09-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the Opposite Party
no.2.

2. The petitioner in this application prays for
anticipatory bail apprehending his arrest in connection with
Complaint Case no.1043 of 2021 registered for the offence
punishable under sections 420 and 406 of the Indian Penal
Code.

3. As per the prosecution case, the complainant
transferred a sum of Rs.13 lacs through R.T.G.S. on 21.8.2017
in the account of the accused persons. It is further stated that a
total sum of Rs.45 lacs was invested by the complainant and an



agreement was entered into between the parties on 2.6.2018 in presence of the witness. On the complainant going to the place of the accused persons and asking the accused to return back his money, on one pretext or the other the amount was not returned and hence the complaint. After enquiry, cognizance was taken under section 406 and 420 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No agreement was produced by the complainant in the learned Court below, although a copy of the agreement has been brought on record in the instant application as annexure to the counter affidavit filed by the complainant. The dispute, if any between the parties, is purely civil in nature. The case has been lodged only to pressurize the petitioner in paying certain amount which is disputed by the petitioner herein. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. It is submitted by learned counsel for the complainant that it is not in dispute that a sum of Rs.13 lacs was transferred through R.T.G.S. to the petitioner's account and it is also not in dispute that an agreement was entered into between the parties. An



offence clearly of cheating and criminal breach of trust is made out against the petitioner and as such, cognizance was taken by the learned Court below. It is submitted that the matter be referred for conciliation or the petitioner be directed to pay back the amount.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the complaint together with the copy of the agreement which has been brought on record by the complainant himself in the counter affidavit filed in the instant application, in view of the nature of dispute which appears to be a business dispute between the parties and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with C.A. Case no.1043 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnea.

(Partha Sarthy, J)

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