

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28263 of 2023

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

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Neeraj Gandhi S/o Ravindra Kumar Gandhi, Resident of Village- Pal Niwas
Banadar Bagicha, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Advocate.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 14-07-2023 Heard Mr. Diwakar Sinha, learned counsel appearing
on behalf of the petitioner and Mr. Akhileshwar Dayal, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mithanpura P.S. Case No. 141 of 2022 registered for the
offence punishable under Sections 406, 420, 467, 468, 471, 471,
419 and 120B/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that 2937 Sq. ft. of the
Food Court in a Mall owned by the informant was let out to the
Brother's Creation Partnership firm in which the petitioner was
one of the partners along with Rohan Singh. As per the First
Information Report, 400 Sq. ft. out of 2937 Sq. ft. was let out in
favour of other partner Rohan Singh. The petitioner and Rohan



Singh did not pay the rent regularly to the informant and in connivance with the Chartered Accountant of the informant and his partner, the rent amount payable to the informant has been misappropriated. The petitioner along with his partner Rohan Singh issued 21 post dated cheques of Rs. 12, 22, 200/- of different amounts but out of the same only 3,49,200/- was encashed and 15 cheques were dishonoured for which the informant has filed a separate complaint under Section 138 of the N.I. Act. It has further been alleged that after September 2021 the petitioner and his partner started avoiding the informant and left the tenanted premises without any information to the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has falsely been implicated in this case with oblique motive and from perusal of the First Information Report it would be evident that dispute between the petitioner and the informant relates the tenant landlord dispute for which the informant has already filed a complaint against the petitioner for bouncing of cheques and further a Money Suit for recovery of the rent amount worth Rs. 55,00,000/- bearing Money Suit No. 18 of 2020. Accordingly, submission is that upon bare perusal of the First Information



Report, no offence much less criminal offence is made out against the petitioner and the allegation against the petitioner gives rise to civil dispute. Similarly situated co-accused namely Rohan Singh has already been released on anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.06.2023 passed in Cr. Misc. No. 17926 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the submission made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner was a tenant and has defalcated in payment of rent to the informant for which Money Suit has also been filed by the informant Similarly situated co-accused namely Rohan Singh has already been released on anticipatory bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioner.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Muzaffarpur in



connection with Mithanpura P.S. Case No. 141 of 2022, subject
to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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