

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30528 of 2023

Arising Out of PS. Case No.-2229 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Rabindra Prasad Son Of Ram Janam Prasad @ Ram Janam Resident Of C/O Savitari Bhawan Chhoti Badalpura Behind Of School, Eastern Side Khagaul, P.S.- Khagaul, District- Patna
 2. Kishan Raj Son Of Rabindra Prasad Resident Of C/O Savitari Bhawan Chhoti Badalpura Behind Of School, Eastern Side Khagaul, P.S.- Khagaul, District- Patna
 3. Aditya Raj Son Of Rabindra Prasad Resident Of C/O Savitari Bhawan Chhoti Badalpura Behind Of School, Eastern Side Khagaul, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Sashi Devi Wife Of Asthanand Singh R/O Village- Jamaluddin Chak, P.S.- Khagaul, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the petitioners and learned APP for the State as also learned counsel for the complainant.
2. This is an application for grant of anticipatory bail in connection with Complain No.2229 of 2019, registered for offences under Sections 403, 406, 409, 418, 420, 467, 468, 471, 341, 323, 120B and 506 of the IPC.



3. The case of the complainant, in brief, is that she had entered into a business transaction with the co-accused persons, namely, Sarita Devi and her daughter, namely, Archana Kumari for obtaining franchise of Lenscart Company, whereafter the complainant is stated to have taken a shop on rent and invested huge sums of money for the purposes of opening Lenscart shop and for the same, she had transferred money by cheque in the account of Lenscart, Maa Sitala Enterprises and in the account of co-accused persons, namely, Sarita Devi and others. It is further alleged that initially, the complainant and the co-accused person, namely, Sarita Devi used to sit at the shop together, however, subsequently, she stopped going to the shop and thereafter the co-accused person, namely, Sarita Devi had told the complainant that the shop was running in loss. It is also alleged that a loan of Rs.17 lakh was taken from the State Bank of India, however when the complainant had gone to the shop for accounting purpose, co-accused person, namely, Archana



Kumari refused to give any account and instead the accused persons, including the petitioners herein started abusing and assaulting the complainant.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that dispute in question is in the nature of civil dispute, inasmuch as a bare reading of the complaint petition depicts that commercial transaction had taken place in between the parties. It is further submitted that a general and omnibus allegation has been levelled against the accused persons of having abused and assaulted the informant, however, there is no injury report on record to support the same.

5. *Per contra*, the learned APP for the State and the learned counsel for the complainant have vehemently opposed the prayer for bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that *prima facie* the dispute in question is in the nature of civil dispute and the parties had entered into commercial transaction as also a general and omnibus allegation has been levelled against the accused persons, including the petitioners herein of having abused and assaulted the informant without any proof thereof, inasmuch as there is no whisper about any injury report having been prepared, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Judicial Magistrate, 1st Class, Patna in connection with Complain No.2229 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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