

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37855 of 2023

Arising Out of PS. Case No.-2044 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Munindra Kumar @ Munna @ Munendra Kumar Son of Ramashish Sharma
Resident of Mohalla- Arpana Bank Colony, Phase-2, Ramjaipal road, PS.-
Rupaspur, district- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shivendra Kumar Lal Son of Late yogendra Pal Resident of House No. 23,
Bank Colony, Keshri Nagar, PS- Shastri Nagar, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shubham Sourav, Adv.
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP
	:	Mr. Shiv Pratap

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned

APP for the State assisted by learned counsel for the

complainant.

2. The petitioner is apprehending his arrest in a case

registered for the offences punishable under Section 420 of the

Indian Penal Code and Section 138 of the N.I. Act pending in

the learned court below.

3. As per the prosecution case, petitioner has taken Rs.

12,00,000/- (Rupees Twelve Lakhs) from the complainant but

not returned the same. When the complainant demanded his

money, petitioner has given assurance that he will give a flat in



Kamini Villa Apartment but he has neither returned the money nor given the flat to the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is agreement between the Chandan Kumar and the petitioner that he will give the flat to the Chandan Kumar in which complainant is a witness of the said agreement. He submits that the cases have been filed closer of partnership with ulterior motive utilizing the cheques some how got in course of business transaction at the time of existence of partnership firm. He further submits that there is no evidence or paper to show that the complainant has given Rs.12,00,000/- to the petitioner. He submits that petitioner has got criminal antecedents as stated in para-3 of the bail application.

5. Learned APP for the State along with learned counsel for the complainant opposes for prayer for bail and submits that the legal notice was sent to the petitioner thereafter the present complaint case was filed against the petitioner and cognizance has been taken under Section 138 of the N.I. Act and Section 420 of the Indian Penal Code.

6. Considering the aforesaid facts and circumstances



and the fact that there is business transaction dispute between the parties, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.2044(C) of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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