

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34589 of 2020

Arising Out of PS. Case No.-257 Year-2016 Thana- DUMRAO District- Buxar

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Raj Singh @ Raj Kumar Singh Son Of Basawan Singh Resident Of
Vivekanand Palli, P.O. - Kadamtalla, P.S. - Matigatha, District- Darjeeling
(WEST Bengal). Proprietor Of M/S Swytz Electro Medical, Darjeeling
(WEST Bengal).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

21 25-08-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P for the State.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under

Sections 406, 420 of the Indian Penal Code.

The prosecution case as per F.I.R is that the

informant alleged that a partnership deed was prepared

on 06.04.2015. The informant has credited Rs.

43,31,250/- in the year 2017 in the account of the firm

of the petitioner namely Swytz Medical for installation of

the X-ray machine, Ultra Sound machine, C.T. scan



machine etc. Thereafter, without installing the machines, rest amount was demanded by the petitioner's firm. However, till today, neither money was returned nor the machines were installed.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner and the informant have entered into an agreement in which the informant was to invest 55 percent of the total project amount whereas the remaining 45 percent was to be paid by the petitioner. The informant alleged that total cost of the project is Rs. 75,00,000/- rather the real fact is that the total cost of the project is Rs. 2,33,62,500/- and as per the partnership deed, the informant is under an obligation to perform his part by paying 55 percent of the total project but he failed to perform his part as per the terms and conditions of the partnership deed in spite of several requests made by the petitioner and due to failure on the part of the informant, the petitioner has



suffered loss of huge amount of money. Moreover, the present dispute is civil in nature but it has been given the colour of criminal case only with a view to illegally harass the petitioner.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that admittedly the informant had paid Rs. 43,31,250/- to the informant but no machine has been supplied to the hospital which is a charitable hospital in the locality.

Considering the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumrao P.S. Case No. 257 of



2016, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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