

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42701 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- SABAUR District- Bhagalpur

1. Muneshwar Prasad Sah @ Muneshwar Sah, Son Of Late Radhey Sah @ Radhey Prasad Sah Resident Of Village - Nadiyama, P.S.- Goradih, District - Bhagalpur.
2. Bittu Kumar @ Ram Chandra Kumar, Son Of Sri Muneshwar Sah @ Muneshwar Prasad Sah Resident Of Village - Nadiyama, P.S.- Goradih, District - Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arjun Kumar
For the Opposite Party/s :	Mr. Anand Kishore Choudhary
	Mr. Rajive Ranjan Singh
	Mr. Amit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 504, 506 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the accused persons entered into an agreement on 02.08.2018 with the informant's husband Dhananjay Yadav and thereafter, one partnership deed was



executed on 26.11.2018 on behalf of M/s Punam Bharat Gas Gramin Vitrak Agency, for which Rs.30 Lacs was paid by the informant and her husband. It is next alleged that in due course of business, the accused persons started manipulating and committing forgery of documents and later, it was found that accused persons have violated the terms of the agreement and cheated the informant and when they were confronted, it is alleged that the accused persons assaulted and abused them.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely in civil to which a criminal colour has been given. It is next submitted that if what has been alleged by the informant in the F.I.R. is true, then the remedy of the informant lies elsewhere and definitely not by resorting to criminal procedure. It is further submitted that if the terms and conditions of the agreement stands breached, then the agreement itself provides for its remedy.

5. Learned A.P.P. along with learned counsel for the informant vehemently opposes the anticipatory bail application, but then, the learned counsel for the informant is not in a position to rebut the submission of the learned counsel for the



petitioners that the dispute is civil for which a criminal colour has been given and in the event, if the terms and conditions of the agreement stands breached, then the agreement itself has provision of redeeming the wrong.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour (Goradih) P. S. Case No.461 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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