

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45959 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- MADHEPURA District- Madhepura

1. NILKAMAL @ NEEL KAMAL Son of Anant Yadav @ Anant Ray Resident of ward no. 07 Madhepura Town (West Bypass Road Madhepura) Permanent Address, Village - Siswa Murho, ward no. 08, P.S. - Madhepura (Bharrahi O.P), Distt. - Madhepura
2. Ranvijay Kumar Son of Anant Yadav @ Anant Ray Resident of ward no. 07 Madhepura Town (West Bypass Road Madhepura) Permanent Address, Village - Siswa Murho, ward no. 08, P.S. - Madhepura (Bharrahi O.P), Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Manoj
		Mr. Surya Narayain Yadav
For the Opposite Party/s :		Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 06-09-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Madhepura Police Station Case No. 282 of 2023, dated 18.03.2023, disclosing offences under Sections 341/342/323/379/384/385/504/506/34 of the Indian Penal Code.3. The prosecution case, on the basis of the First Information Report, is that the informant, who is a representative/promoter of the product of a company, |
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namely, Alex Company, arrived at the shop of the petitioner, who is the franchisee of the Alex Company and sells product of company, namely, R. K. Herbal. The petitioner told the informant that he is unable to sell the product of the Alex Company and demanded a sum of Rs. 8,44,000/-, which was deposited by the petitioner no. 1 for the dealership/franchise. It has further been alleged that the informant told the petitioner no. 1 that he should contact the owner of the alleged Alex Company. The petitioner no. 1 became furious and abused the informant and his associates called other accused persons, including the petitioner no. 2, who misbehaved with him and forcefully transferred a sum of Rs. 5,500/- and Rs. 3,000/- from the mobile phone of the informant, got his signature on stamp paper and snatched three blank cheques from the informant.

4. Learned Counsel for the petitioners submits that the petitioner no. 1, who is the franchisee of Alex Company, has falsely been implicated in the present case merely because he refused to sell the product of the Alex Company, which is not profitable and is not popular amongst the consumer. He further submits that the



petitioner no. 1 has not committed any offence in the manner alleged and no signed cheques have been snatched by the petitioner no. 1 inasmuch as the same has not been produced as yet before any bank. It is out and out a business dispute between the petitioner no. 1, who is owner of the shop, and the informant-representative of the Company. He next submits that there is no specific allegation alleged against the petitioner no. 2 and other accused persons.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner no. 1 is businessman and was appointed as franchisee of the Alex Company and there appears to be dispute regarding dealership/franchise between the parties, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Madhepura, in connection with Madhepura Police Station Case No. 282 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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