IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47289 of 2022

Arising Out of PS. Case No.-455 Year-2021 Thana- RAJIVNAGAR District- Patna

==

SAMRAT SINGH S/o Sri Satish Singh @ Satish Kumar Singh Resident of Flat No. 403, Jagtarni Tower, Jamal Road, P.S.- Kotwali, District- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Shivam, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant/s	:	Mr. Ajit Kumar Ojha, Advocate Mr. Akhilesh Kumar, Advocate

==

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

CAV ORDER

9 07-07-2023 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party no. 2.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case, in short, is that informant, namely, Avnish Parasar, lodged written report addressed to the Officer Incharge of Rajiv Nagar Police Station stating therein *interalia* that he is doing business of share marketing and in course of business in the year 2017 he came in contact with Samrat Singh (petitioner) who is also dealing in share marketing and he has given Rs. 2,42,41,000/- to the petitioner through

Bank from 28.04.2017 to 01.02.2021 for doing the business who assured that profit of principal amount @ 20% and would return the amount within six months but he did not return the said amount. On 15.09.2017, he has given Rs. 1,00,00,000/- on different dated for which money receipts on stamp parer of Rs. 1,000/- was given. The petitioner and one Satish Singh had always given false assurance but till date he did not return the amount to him. On 24.02.2021, the petitioner had given a cheque of Rs. 50 lacs, on 10.03.2021 a cheque of Rs. 50 lacs and on 15.05.2021 of Rs. 50 lacs all of Yes Bank and all the cheques became dishonoured for which information was given to him but he refused to return back the amount in question. On 22.02.2021 a cheque of Rs. 10 lacs, on 04.03.2021 a cheque of Rs. 50 lacs and on 23.02.2021 a cheque of rs. 40 lacs all of ICICI Bank were given but all the cheques became dishonoured. Thereafter, he had demanded his money from the petitioner who refused to pay his money. Therefore, the informant has filed the present case before the Police Station, Rajiv Nagar.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and the petitioner has got one criminal antecedent as mentioned in para-3 of the bail application. Later on he has field a supplementary affidavit stating therein that the petitioner has another criminal case. He submits that on the date of filing of the present application the petitioner was accused in only one case, after filing of the present bail application, in Complaint Case No. 7383(c) of 2022 cognizance was taken. He submits that the present informant deals in the share marketing and he is mostly dealing in foreign share investment through Traders Way-Live MT4 Account which has its number as 204576 and 66726 and the petitioner was also dealing with the said account with the help of present informant. He further submits that the present informant has also invested some money through MT4 account of the petitioner and profit which was earned due to the aforesaid investment was already taken back by him through various bank transactions from the account of the petitioner to the informant account and some of the transactions from which the money was taken back by the present informant from the account of the petitioner to his account. He next submits that in the First Information Report it has wrongly been alleged that Rs. 1 crore was paid to the petitioner in cash and the said statement is out and out false statement.

Learned counsel for the petitioner further submits that the present informant is accused in several cases and some of the cases which ware known to the petitioner is mentioned in para-11 of the bail application. He submits that the informant has invested money through petitioner in the share marketing and the loss which received from 2018, 2019 and 2020 was loss for all the persons who were trading in the share market and it was not a new phenomena and who ever invests in the share market he has to bear the risk of loss and gain. The details of loss of money to the informant is mentioned in Annexure-3 to the bail application. He submits that the informant has called the petitioner at his house on 13.06.2022 and settled the entire amount and as an agreement was also prepared by him on which both parties put their signature dated 13.06.2022 on stamp paper of Rs. 1,000/- that now no due is lying and entire payment has been made by the petitioner to the informant. He submits that the petitioner was apprehending danger from the hand of the present informant and accordingly he has filed informatory petition earlier to the learned Chief Judicial Magistrate, Patna being Informatory Petition No. 4628 of 2020 dated 08.12.2020, a copy of the informatory petition is annexed as Annexure-4 to the bail application.

Lastly, learned counsel for the petitioner submits that there is civil dispute between the parties or it is business transaction, no criminal case is made out at present.

Learned counsel for the State as well as learned counsel for opposite party no. 2 opposed the prayer for anticipatory bail and submitted that the petitioner has suppressed this fact that the petitioner has another criminal antecedent, when the opposite party no.2/informant pointed out this fact, then the supplementary affidavit is being filed on behalf of the petitioner stating therein that the petitioner has another criminal antecedent, which is mentioned in para-3, 4 and 5 of the supplementary affidavit.

Leaned counsel for opposite party no. 2/informant submits that the informant had given total Rs. 3,42,41,000/- to the petitioner through the bank from 28^{th} of April 2017 to 1^{st} of February 2021 for doing business and it was assured by the petitioner that the total amount of Rs. 3,42,41,000/- will be returned in six months with 20% profit. But since year 2017, the petitioner had been receiving money from the informant only on false assurance and till now he has not returned any money to informant. He further submit that the petitioner has taken huge amount from the informant and did not return it till now, the petitioner has threatened the informant to kill him.

Considering the facts and circumstances of the case, argument of the parties and perusal of the records, it is clear that there is a business transaction between the parties and it is a civil nature dispute, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Rajiv Nagar P.S. Case No. 455 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

U		T	