

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58016 of 2023

Arising Out of PS. Case No.-535 Year-2022 Thana- NAGAR District- Vaishali

1. Mukesh Rai (M), aged about 32 years, S/O Nagendra Rai R/O Village- Bardiha Turki, Ward No. 10, P.S- Patepur, Distt.- Vaishali.
2. Sanjay Rai (M), aged about 30 years S/O Nagdev Rai R/O Village- Bardiha Turki, Ward No. 10, P.S- Patepur, Distt.- Vaishali.
3. Ajay Kumar @ Ajay Rai (M), aged about 25 years S/O Nagdev Rai R/O Village- Bardiha Turki, Ward No. 10, P.S- Patepur, Distt.- Vaishali.
4. Santosh Rai (M), aged about 22 years S/O Nagina Rai R/O Village- Bardiha Turki, Ward No. 10, P.S- Patepur, Distt.- Vaishali.
5. Mantosh Kumar @ Mantosh Rai (M), aged about 20 years S/O Nagina Rai R/O Village- Bardiha Turki, Ward No. 10, P.S- Patepur, Distt.- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Hajipur Town P.S. Case No. 535 of 2022 dated 15.07.2022
instituted for the offence punishable under Sections 420/406 and
379/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that the
informant installed a factory of production of plastic bottles in
the village Hailalpur after taking land from one Sujit Kumar Rai
on rental basis in which petitioner No. 1, namely, Mukesh Rai



was working as an employee. In the meantime, the informant became ill and has entrusted Mukesh Rai to look after the affairs of the factory. It is alleged that on 08.07.2022 at about, 09:00 A.M. he came to the site and found no material and machine there. On enquiry, one Zahid Hussain stated that the accused, namely, Mukesh Rai with the help of other colleagues removed all the things by loading the machine and other materials on pick up. It is further alleged that when he enquired Mukesh Rai, he asked that he would not return the alleged materials and also threatened to kill him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that there was a business of plastic bottle making of Mukesh Rai and the informant, as per the agreement both the informant and petitioner No. 1 were agreed to make investment in the said business and in this regard the informant offered petitioner No. 1 to make investment in machinery items as the informant had already made investment in the land on rental basis and petitioner No. 1 got agreed to purchase the machine and in this regard, he purchased the machine worth Rs. 3 lacs on 05.12.2021 from Grace Pet Industries from Delhi *vide* Annexure-2, and the same had been



installed in the factory in industrial area, Hajipur as per the agreement. It is further submitted that there was business dispute between the informant and the petitioner No. 1 and the F.I.R. was lodged after 7 days of the occurrence. Further it is submitted that as far as petitioner Nos. 2 to 5 is concerned, there is no specific allegation alleged against them as the allegation itself is ornamental in nature. Lastly, it has been submitted that all the petitioner have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Hajipur Town P.S. Case No. 535 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Shanu/-

U		T	
---	--	---	--

