

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61032 of 2023

Arising Out of PS. Case No.-4756 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

Radhe Shyam Singh S/O Ram Kripal Singh R/O Jai Prakash Nagar, P.O-
Ashiana Nagar, P.S.- Rajeev Nagar, District.- Patna At Present Ormanjhi
Block House No. 06, Rainbow Colony, P.S.- Ormanjhi, District.- Ranchi
(JHARKHAND).

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Ramsubhag Singh S/O Late Ramsinhasan Singh R/O Quarter No. F/54,
Bihar Electricity Board Colony, P.O. And P.S.- Shastrinagar, Distt.- Patna-
800023 (COMPLAINANT).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Pandey, Advocate
For the Opposite Party/s:	:	Mr. Akarim, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Aditya Nath Pandey, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State. The informant is represented by Mr.
Md. Anwar Karim, learned counsel.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 4756(C) of 2022, registered for the
offences punishable under Sections 406/ 34 of the Indian Penal
Code.

3. It is alleged that the accused person along with
complainant have made a partnership agreement to the effect



that the accused persons will pay the share in profit of the sale of land to the complainant. However, after selling the land the accused persons have denied to give money to the complainant and kept the profit money in his own hand. The complainant kept on demanding his share from the accused persons but they neither returned the money nor given assurance to complete loss in future, resulting into lodging of the complaint.

4. Learned counsel appearing on behalf of the petitioner submits that from the partnership deed it appears that the complainant, was working along with the petitioner and one another, accused person as a broker of the land and after execution of the land in favour of the purchaser he was getting certain share. However on account of some differences, the present complaint has been instituted only in order to wreak vengeance and extort some money by making shelter of forged partnership deed. He further submits that if the complainant asserts that the partnership deed is valid in law, he has remedy available under the civil law to file a suit for specific performance and the present complaint is malafide in nature. In order to clarify the position, the petitioner, submits that the complainant was the staff of the petitioner, who look after the sale and purchase of the land and as the petitioner was residing



in Ranchi, he always left his several blind documents in the hand of complainant in good faith and thus by taking advantage of this, the partnership deed have been prepared.

5. On the other hand, learned counsel for the State as well as the informant vehemently oppose the pre-arrest bail application and submits that apart from present case, the petitioner is indulged in three other criminal cases, all the more he has cheated the complainant and not allowed his share in the profit and thus in any view of the matter, a case under Sections 406/34 of the Indian Penal Code is made out against him.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation which prima facie suggests money transactions on account of brokerage in connection to sale and purchase of land, apart from the fact the complainant has remedy available under the civil law, let the petitioner above named be released on bail in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Patna in connection with Complaint Case No. 4756(C) of 2022, subject



to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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