IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3832 of 2023

Arising Out of PS. Case No.-270 Year-2020 Thana- DARBHANGA District- Darbhanga

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VIJAY KUMAR @ VIJAY GUPTA SON OF LAXMI SAO R/O GAYA ROAD BARHI, P.S.- BARHI, DISTRICT- HAZARIBAGH (JHARKHAND)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP.
Mr. Kaushalesh Chaudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

4 16-05-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 120(B)/34 of the Indian Penal Code.

As per FIR, it is alleged that the informant was dealing with business with Vijay Guptaji, proprietor of M/s Mahalakshmi Trading Company, Barhi, Hazaribagh since the last one year through Pandeyji broker of Kolkata. It is alleged that on 17.09.2020, an order for supply for 1025 tin refine oil, 1 litre pouch 300 c/s and ½ litre pouch 100 c/s was given to Vijay Guptaji and on 19.09.2020 the informant sent Rs. 10,00,000/- through RTGS in the account of M/s Mahalakshmi Trading Company but due to sudden rise in price Vijay Guptaji and broker Pandeyji under conspiracy digested the money and did not supply the articles nor returned the money to the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no concern with M/s Mahalakshmi Trading Company rather he is proprietor of Universal Trading Company. There is business dispute between the parties. Petitioner is not the holder of the Bank A/C No. 485720100000016 Bank of India, Barhi Bazar Hazaribagh. It is further submitted that the alleged account and M/s Mahalaxmi Trading Company belongs to one Ajay Kumar. It is further submitted that petitioner produced the cheque given by the informant to the Bank and the same has been bounced. Thereafter, the petitioner has sent a legal notice to the informant and also lodged a case against the informant. The informant has filed this case against him with a view to grab the alleged amount and save his skin from the case filed by the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that petitioner was also involved in the present case. He has committed cheating with the informant.

Considering the facts and circumstances of the case as well as the argument of the parties, as there is business dispute between the parties, 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 Town P.S. Case No. 270 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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