

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82489 of 2023

Arising Out of PS. Case No.-564 Year-2023 Thana- BANKA District- Banka

1. Prabhat Ranjan Singh, aged about 54 years, gender- Male, S/O Late Akhileshwar Prasad Singh R/O Village/Mohalla- Vijay Nagar, P.S- Banka, Distt.- Banka.
2. Piyush Singh@ Ravi Ranjan Tomar, aged about 34 years, gender-male, S/O Prabhat Ranjan Singh R/O Village/Mohalla- Vijay Nagar, P.S- Banka, Distt.- Banka.
3. Raj Singh Tomar @ Raj Ranjan, aged about 24 years, gender-male, S/O Prabhat Ranjan Singh R/O Village/Mohalla- Vijay Nagar, P.S- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Banka P.S Case No. 564 of 2023 dated 19.08.2023 registered for the offence punishable u/ss 406, 420, 341, 323, 504, 506 and 120B of the Indian Penal Code.

4. As per the prosecution case, the informant had supplied cement to the accused petitioners on the basis of



credit but when the informant demanded the dues amount i.e. Rs. 28,68,753/- from the accused petitioners, they denied the payment. It is further alleged that despite the repeated request of the informant to return his money, the petitioners kept on denying the request. Thereafter, when the informant went to their place of business to demand his money, the accused petitioners abused and threatened to kill him.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that the petitioner no.1 is the father of the petitioner nos. 2 and 3, except that the petitioner nos.2 and 3 have no role in the entire transaction. It is further submitted that the petitioner no.1 is proprietor of Raj Trading Company, Banka situated at Katoriya Road and the petitioner has taken the dealership of Cement Company including Ambuja Cement. The petitioner no.1 used to deal with the company directly therefore, the petitioner no.1 transferred the amount in the company account through RTGS and as such the company supplied the cement as per order. Learned counsel has further submitted that the informant is the Clearing and Forwarding Agent (CNF) of Ambuja Cement Company but the informant has no role between the petitioner



no.1 and the Ambuja Cement Company. It is further submitted that on 14.10.2022 and 15.10.2022, the petitioner no.1 deposited Rs. 1,05,946/- and Rs. 99,159/- respectively in the company account for the consignment of cement but the consignment of the cement has not been delivered to the petitioner no.1. Thereafter, the petitioner no.1 has stopped the business from the Ambuja Cement. It is further submitted that the informant owing to his conduct has been terminated from the post of CNF of Ambuja Cement Company and the Company has also deducted the amount of Rs. 2,74,000/- from the informant and the informant has put pressure on the petitioner to pay the amount that was deducted from his account. Learned counsel has further submitted that prior to the institution of the instant case the petitioner no.1 had given an informatory petition before the Chief Judicial Magistrate, Banka bearing No. 80 of 2023 against the informant. It is further submitted that it is a commercial dispute of civil nature which has been given a criminal colour with intent to harass the petitioners. Hence, offences u/s 406 and 420 of the I.P.C. are not made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.



6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as finding some merit in the contention of learned counsel for the petitioners , let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Banka P.S Case No. 564 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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