

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6808 of 2024

Arising Out of PS. Case No.-573 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Sanjay Prasad Keshari, Son of Umesh Prasad Keshari, Resident of Village -
Lalapur, Near - Tawar, P.S. - Kudra, District - Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Pravesh Singh, Shiv Pujan Singh, Resident of Village - Deoradh Kala,
P.S. - Kudra, District - Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the State	:	Mr.Akshay Lal Pandit, APP
For the O.P.No.2	:	Mrs. Kiran Kumari Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no.2.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No.573 of 2022 in which cognizance has been taken under Sections 406, 419, 420, 465/34 of the Indian Penal Code.

3. As per complaint case, at the instance of the petitioner and other co-accused persons, the complainant entered into an agreement with the co-accused and transferred Rs.11,68,000/- in the accounts of co-accused persons apart from Rs.68,236/- for loading and transportation. But the petitioner and other co-accused persons supplied inferior quantity of goods



for which the payment was made and on even after repeatedly asking by the complainant, they did not return the money.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and no offence is made out against the petitioner. The petitioner only introduced the complainant to the agent of Haldiram Bhujia Company and has no further concern in the whole transaction. No money was transferred in the account of this petitioner which admittedly was transferred in the accounts of D.P. Enterprises and Haldiram Bhujiya. The petitioner has got clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the complainant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the complainant submits that the petitioner has given a writing before the learned trial court that he has taken back the inferior quantity of goods and returned the money.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the commercial nature of transaction and predominantly civil nature of dispute, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Complaint Case No.573/2022, subject to conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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