

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16675 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- TEGHRHA District- Begusarai

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1. Shyam Kishore Ray, S/O- Late Jagdev Ray, R/O- Village- Gaura, P.O.- Teghra, P.S.- Teghra, Dist.- Begusarai.
 2. Rishi Raj, S/O- Shyam Kishore Ray, R/O- Village- Gaura, P.O.- Teghra, P.S.- Teghra, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudhnath Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Teghra P.S. Case No. 239 of 2023, registered on 01.08.2023 for the offences under Sections 406, 420, 467, 468 and 471/34 of the Indian Penal Code.

3. As per prosecution case, complainant/informant entered into a partnership agreement with petitioner nos. 1 and four other persons. The allegation against the petitioners is that he developed bad intentions and defalcated an amount of Rs. 1,20,00,000/- for his personal use and introduced two other persons as partners without permission of other partners.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is out and out a false case. The dispute is purely civil in nature and in terms of Clause 14 of the partnership deed, if any dispute arose, the same is to be adjudicated by appointment of arbitrator. There is no allegation of any misappropriation of money against the petitioners. Petitioners have neither created any forged deed of partnership nor submitted it for opening the bank account in Bihar Gramin Bank, Gaura (Begusarai). From the facts of the case, it is evident that no offence under Sections 406, 420, 467, 468 and 471/34 is made out against the petitioners. Learned counsel further submits that in terms of Clause 8 of the partnership deed, it is also clear that how the profits and gains or losses of the firm were to be shared by the partners. Petitioner no.1 is having criminal antecedent of three cases whereas petitioner no.2 is having criminal antecedent of two cases.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner no.1 made his son petitioner no.1 a partner in the firm along with one Kumar Aman showing them to be partners and the petitioners were also instrumental in getting open an account in Bihar Gramin Bank on the basis of



forged and fabricated documents of the partnership firm.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Teghra P.S. Case No. 239 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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)

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