

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11225 of 2024

Arising Out of PS. Case No.-1239 Year-2022 Thana- FORBESGANJ District- Araria

Raja Khan Son of Late Abbas Khan Resident of Village- Pokharbasti, Ward
no. 20, P.S.- Forbesganj, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar
		Mr. Raushan Raj
		Mr. Bharti Rai
For the Opposite Party/s :		Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467 and 468 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and from perusal of
the allegation as alleged in the F.I.R., it would manifest that a
purely civil dispute has been given a criminal colour. It is next
submitted that the petitioner and the O.P. No. 2 had constituted a
partnership firm and had entered into a deed of partnership as
would be evident from *Annexure-2* to the anticipatory bail
application. It is further submitted that in the partnership, certain



dispute arose for which the instant FIR has been instituted. It is next submitted that Clause 19 of the deed of partnership clearly records that all disputes between the partners or between the partner and M/S Jagdamba Auto Traders arising out of the Partnership Firm Agreement which cannot be resolved in terms of this agreement shall be referred for arbitration as per the provisions of the Arbitration and Conciliation Act, 1996. It is thus submitted that if the informant was aggrieved on account of dispute in that event, the same ought to have been referred for arbitration if the dispute was not possible to be resolved in terms of the deed of partnership.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Forbesganj P.S. Case No. 1239 of 2022 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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