

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23002 of 2023

Arising Out of PS. Case No.-4856 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Devendra Sharma S/O Ram Nath R/O At- Jagdamba Market, Gola Road,
Bakarganj, P.S- Pirbahor, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhaneshwar Mahto S/O Satish Mahto Propwriter of Dhanesh Electronics,
R/O Gola Road, Bakarganj, P.S- Pirbahor, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Amit Ranjan
For the State	:	Mr.Umanath Mishra
For the Complainant		Mr. Sanchay Srivastava
		Mr. Sushant Srivastava

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-01-2024 Heard learned counsel for the petitioner, complainant
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 323, 341, 420, 506 of the Indian Penal Code and Section 138 of the NI Act.

3. Petitioner is said to have committed fraud with the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has also a wholesaler and both are combined business and he has given plain cheque with signature as a security money but complainant falsely dragged in this case. He submits that the petitioner has ready to pay the



entire amount when the complainant produced a GST/VAT bill before the court. He submits that the dispute is purely business dispute and no criminal case is made out against the petitioner. He submits that the learned court below has taken cognizance against the petitioner under Sections 323, 341, 420, 506 of the IPC and Section 138 of the NI Act. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Complaint Case No. 4856 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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