

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38385 of 2023

Arising Out of PS. Case No.-446 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Sanjay Kumar @ Sanjay Ji Son of Ravindra Prasad Resident of village - Mill Road, P.S. - Nawada, Distt. - Bhojpur At Ara, Bihar, At present Resident of village - Mahajan Toli - 1, P.S. - Ara, Distt. - Bhojpur, Bihar, Pin 802301

... .. Petitioner/s

Versus

1. The State of Bihar
2. M/s Chhote Lal Trading Company proprietor Raj Kumar Sinha Son of Ragho Singh Residence of at Village - Akbarpur, P.S. - Janipur (Phulwari Sharif), Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Akshay Lal Pandit, Advocate
		Mr.Arvind Kumar, Advocate
For the Informant	:	Mr.Rashid Izhar, Advocate
For the Opposite Party/s	:	Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State along with learned counsel for the Opposite Party No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that a purely civil dispute has been given a criminal colour. It is next submitted that petitioner and his brother are having two different firms. The name of the firm of petitioner is Maa Ambe and that



of his brother is Rani Sati. It is next submitted that both the firms sell iron rod. It is further submitted that Opposite Party No. 2 is a retailer. It is next submitted that Opposite Party No. 2 had deposited an amount of Rs. 3 lakhs in the account of Rani Sati and when a dispute arose the present false case came to be instituted against the petitioner when no amount of money was deposited in the account of Maa Ambe or in the account of the petitioner for purchasing iron rod by the Opposite Party No. 2, it is further submitted that even a legal notice sent by the Opposite Party No. 2 to the petitioner for returning the amount was duly replied by the petitioner which is annexed as Annexure-5 at page 38 of the anticipatory bail application. It is further submitted that in the said reply the petitioner has clarified the issue that the firm Rani Sati does not belong to him. It is further submitted that the reply annexed with the complaint which is at page 30 of the anticipatory bail application the said reply is a forged and a fabricated document.

4. Learned Additional Public Prosecutor for the State along with learned counsel for the Opposite Party No. 2 opposes anticipatory bail application of the petitioner, but then are not in a position to rebut the submission of the learned counsel for the petitioner that petitioner's firm name is Maa Ambe and Rani



Sati is the firm of his brother and the money was deposited by the Opposite Party No. 2 in the account of Rani Sati. Though learned counsel for the Opposite Party No. 2 submits that the amount was deposited on the instruction of the petitioner.

5. Be that as it may, 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 Complain Case No. 446(C) of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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