

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61721 of 2024

Arising Out of PS. Case No.-1005 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Vivek Kumar Gupta son of Vinay Kumar Gupta R/v- Ram Niwas Kannu
Road Mithapur Ps- Jakkanpur Patna, H/o- Pankaj Akella Chandmari Road
Postal Park Ps- Kankarbagh Dist- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Aarif Zaffar son of Late Abdul Rauf R/o- Diwan Mohalla- Dulli Ghat Ps-
Khajekallan Dist- patna

... .. Opposite Parties

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Appearance :

For the Petitioner :	Mr.Ravi Bhardwaj, Advocate
For the Opposite Parties :	Mr.Navin Kumar Pandey
	Mr. Shyamal Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 406/323/341/504 of
the Indian Penal Code.

3. As per the prosecution case, complainant/ opposite
party no.2 started business of ready made garments along with
one Sarfaraz who provided capital and co-accused Vinay who
provided shop to opposite party no.2. Later on, Sarfaraz refused
to do the business and wanted his money back. Opposite party
no.2 took loan from the bank after mortgaging his house and
returned Rupees 7.5 lakhs to Sarfaraz. New partnership then



started between opposite party no.2 and co-accused Vinay Kumar Gupta. It is alleged that the complainant had gone to Siwan for some work and when he had returned then he found that the petitioner and the co-accused Vinay Kumar Gupta had sold the entire goods present in the shop and a hotel was opened there by them. It is alleged by opposite party no.2 that when he demanded his money back from them, then the same was refused and later on he was even abused and assaulted by them.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only because he happens to be son of co-accused Vinay Kumar Gupta. Petitioner is neither signatory to the agreement nor he was one of the partners of the business. Dispute between the parties has arisen out of business activities which has been given criminal color due to ulterior motive. Petitioner claims clean antecedent.

5. Learned counsel for the State as well as the opposite party no.2 oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing



bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Patna City in Complaint Case No. 1005C/2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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