

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55889 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Md. Masleuddin Ansari @ Masleuddin Ansari Son of Md. Salauddin Ansari @ Salauddin Ansari
 2. Md. Salauddin Ansari @ Salauddin Ansari Son of Late Suleman Ansari
Both are R/O Vill.- Kanhauli, P.S.- Jhanjharpur, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abdul Jabbar Ansari Son of Late Nabbi Ansari R/O Vill.- Kanhauli, P.S.- Jhanjharpur, Dist.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 420, 120(B), 468, 416, 406 of the IPC, later on cognizance has been taken under Sections 323, 341, 504, 420 and 34 of the IPC in connection with C.R. No.340 of 2023.

3. The learned counsel for the petitioners submit that petitioners have antecedent of one case. It is further submitted that the complainant alleges that he was approached by the petitioners requesting him for investing money in a business related to brick-kiln. Further, an agreement was entered in



between the petitioners and the complainant and the complainant invested an amount of rupees thirty five lakhs and the rest rupees thirty five lakhs was invested by the petitioner. It is further submitted that as per the agreement it was agreed that the profit would be shared equally, but then it is submitted that the petitioners cheated him by not paying his share of money which amounts to Rs.28,83,500/-.

4. The learned counsel for the petitioners submit that from perusal of the allegation as alleged in the complaint, it would manifest that the complainant alleges that he entered into a partnership agreement with the petitioners in respect of a business relating to brick-kiln, in which it was agreed that the profit of the business shall be shared equally, but then the complainant did not received his share in the profit. It is next submitted that the dispute is purely civil to which a criminal colour has been given. It is also submitted that if complainant is aggrieved by the fact that the condition of the agreement has been breached, in that event, he has a remedy of recovering the amount by instituting a civil proceedings before a court of competent jurisdiction. It is also submitted that petitioners dispute the fanciful claim of the complainant. It is next submitted that the criminal case has been instituted only with a



view to coerce the petitioners into submission, so that they easily accede to the fanciful demand of the complainant, but had the complainant moved before a court of competent civil jurisdiction, in that event petitioners would have rebutted his claim.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with C.R. No.340 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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