

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71792 of 2023

Arising Out of PS. Case No.-358 Year-2023 Thana- GANDHIMAIDAN District- Patna

Sanjiv Kumar Sharma @ Sanjiv Kumar Son Of Goverdhan Sharma Resident
Of Village- Hema Nivas, Priyadarshi Nagar, Dps More, Ps- Rupaspur, Distt-
Patna Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajneesh Kumar Tiwari, Advocate
For the Opposite Party : Mr.Nirmal Kumar Sinha, Addl Public Prosecutor
Mr. Vinay Mistry, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-02-2024 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 406/420/504/506/34 of
the Indian Penal Code.

3. As per the prosecution case, on 30.10.2022
petitioner Sanjiv Kumar Sharma and co-accused Sodhir Kumar,
Govardhan Sharma, Smt. Heema Devi came to the shop of the
informant and purchased Ply Wood, Sanmika and hardware for
their house which was under construction. They purchased
different materials of Rs. 9,06,059.64 from the informant's shop.
It is further alleged that petitioner paid total Rs. 80,000/- and
gave assurance that rest amount Rs. 8,65,553/- would be paid by
him on 17.12.2022. Thereafter, the informant made demand of



due amount constantly from him but petitioner did not pay rest amount and threatened the informant to face dire consequences.

4. Learned counsel appearing for the petitioner submits that the petitioner had purchased goods of Rs.5,07,228/- in which he has paid cash and online Rs.4,40,000/- and RS.62,228/- is dues against him which he is ready to pay to the owner of the shop. It is also submitted that the money claim of the informant is based on the vouchers mentioned in the FIR, which he disputes and the same can be decided in money suit and no criminal case is attracted against the petitioner. Petitioner claims clean antecedent.

5. Opposite party no.2 has filed counter affidavit controverting submissions of learned counsel for the petitioner. Opposite party no.2 has also disputed vouchers submitted by the petitioner as annexure 1 to the bail petition.

6. Considering the fact that the dispute arises out of vouchers/money receipt which can be decided by the civil court in money suit, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six 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 Sub Divisional Judicial



Magistrate, Patna in Gandhi Maidan Police Station Case No.
358 of 2023, subject to the conditions laid down under section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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