

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78529 of 2023

Arising Out of PS. Case No.-1215 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

RIYAJUL HAQUE ANSARI @ SONU @ RIYAJUL HAQUE SON OF
LATE AZIMULLAH ANSARI RESIDENT OF VILLAGE - UCHAILA,
POLICE STATION - ROHTAS, DISTRICT - ROHTAS - 821311

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SALIMUDDIN ANSARI SON OF HAKIMUDDIN ANSARI RESIDENT
OF VILLAGE AND P.S. - RAMGARH, DISTRICT - KAIMUR AT
BHABUA, PRESENTLY RESIDING AT VILLAGE - DABDHIYA,
POLICE STATION - BHABUA, DISTRICT - KAIMUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-01-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Complaint case no. 1215 of 2022, disclosing
offences punishable under Sections 420, 406 and other allied
sections of the Indian Penal Code.
3. The prosecution story, as per the allegation made in
the complaint filed by the complainant, is that the complainant
is engaged in the wholesale business of readymade and hosiery.
It has further been alleged that for the period July 2020 to July
2021, Gulshan Enterprises belonging to complainant was



handed over to the petitioner for running the business of hosiery but the petitioner has misappropriated a huge amount of money of complainant and started new establishment in the name and style of Khadim Men's Wear. When the complainant demanded his dues amount of Rs. 5 lacs, the petitioner refused to return the same. A legal notice by way of demand was also sent by the complainant to the petitioner on 30.08.2022 but of no avail.

4. Learned Counsel for the petitioner submits that as per the complaint, no offence much less criminal offence is made out against the petitioner. He further submits that from perusal of the complaint, it appears that there was business/partnership relationship between petitioner and complainant and the allegation is regarding the settlement of account. He next submits that the complainant has not produced any statement of account or rather a document in support of his allegation that the petitioner has misappropriated a sum of Rs. 5 lacs. He also submits that allegation itself gives rise to the civil dispute. Lastly, it is submitted that between July, 2020-July, 2021, there was a complete lockdown due to Covid-19 Pandemic and no business was running during that period, hence the allegation is false and concocted.



5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the complaint i.e. business dispute, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua in connection with Complaint case no. 1215 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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