

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78829 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Raja Kumar @ Raja Babu S/o Late Shankar Prasad R/o Mohalla- Morcha
Road, Purb Darwaza, Marufganj, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Adv. Mr.Raj Krishna Jha
For the Opposite Party/s :		Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-12-2024 1. Heard Mr. Arvind Kumar Mouar, learned counsel appearing for the petitioner, learned counsel for the informant and Ms. Anita Kumari, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Chowk P.S. Case No. 141 of 2024 dated 22.03.2024 registered under Sections 420, 406 of the I.P.C.

3. As per the F.I.R. the informant- Sunny Kumar Gupta, who is the owner of M/s Sri Ram Kirana Store had supplied 600 bags sugar each weighing 25 kg amounting to Rs. 6,45,000/- to the owner of M/s Shankar Kirana Store namely, Raja Kumar @ Rahul Kumar through invoice no. 035 dated 24.05.2023. The petitioner had signed over the bill and assured that after two



days the payment will be made through cheque but payment has not been made to the informant either in cash or through cheque and he said that the amount has been sent through Shubham Kumar Rajak and there is no amount dues upon him. It is further alleged that the petitioner handed over three cheques putting forged signature of Shubham Kumar Rajak over it but the cheques could not be honoured and when the informant went at the shop of the petitioner and demanded his payment, then the petitioner refused to accept the supplied items.

4. Learned counsel for the petitioner submits that Shubham Kumar Rajak is the staff cum sells partner of the informant and Shubham Kumar Rajak took the goods from the shop of the informant as well as other shops and supplied to different retail shopkeepers on his own credit and Shambhu Kumar Rajak supplied the goods to retail shopkeepers and received the amount from the retail shopkeepers. 600 bags of sugar was not supplied by Shubham Kumar Rajak to the petitioner. Neither through the alleged invoice no. 035 the sugar was given by the informant to the petitioner nor the petitioner has received any such alleged invoiced sugar that is why there is no receiving of the petitioner or his any staff on the alleged invoice. He further submits that neither the name or nick name of the petitioner is



Rahul Kumar nor he has issued any receiving of 600 bags sugar on the alleged slip. He next submits the informant has admitted that Shubham Kumar Rajak had issued the cheque and when the signature of Shubham Kumar Rajak did not match in the bank then the informant sent legal notice to Shubham Kumar Rajak and not to the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that business dispute has been given colour of criminality, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City in connection with Chowk P.S. Case No. 141 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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