

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79268 of 2023

Arising Out of PS. Case No.-2110 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Neha Marda Agrawal W/O Ayushman Agrawal Resident Of Flat No. 91,
Surya Apartment, Fraser Road, Ps. Kotwali, Dist. Patna, Bihar.

... .. Petitioner

Versus

1. The State of Bihar
 2. Vinita Singh W/O Dr. Ravi Shankar Singh Resident Of Ram Jaipal Path,
Jalalpur City, Ganga-1, Flat No. 202, Ps. Rupaspur, Patna
- Opposite Parties
- =====

Appearance :

For the Petitioner/s :	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh, APP Mr. Rajani Ranjan Pd. Singh, Advocate Mr. Ajay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No.2 and learned APP for the
State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 2110(C) of 2022 registered under Sections 406, 420 and 468 of the Indian Penal Code. She has got no criminal antecedent.

3. The present case arises out of a complaint petition filed by the O.P. No.2 before the learned Chief Judicial Magistrate, Patna. The complainant alleges as under:

- (i) The complainant was running an institution in the name and style of Mattix Academy of Arts, for which the petitioner approached her and requested her to



merge the institution with one Royal Opera House Academy owned by the petitioner.

(ii) It is further stated in the complaint that in the month of February 2020, the petitioner along with one Kumar Manish came at the complainant's institution and requested her to come at the petitioner's Institution to which the complainant agreed.

(iii) It is further alleged that the complainant reached the Royal Opera House Academy wherein she was requested to put her signature on the last page (Page No.8). On enquiry about the other pages she was told that the remaining seven pages have been sent to the lawyer for correction.

(iv) It has been further stated in the complaint that believing the version of the petitioner, the complainant signed on the said page no. 8.

(v) It has been further alleged in the complaint that in the month of February 2020, the petitioner met the complainant and asked her to take the franchisee of her institution Royal Opera House which thereafter would be managed through partnership.

(vi) That it has been further stated that as per the terms decided, it was agreed that the complainant and the petitioner would contribute Rs. 80,000/- each month towards salary of the teachers.

(vii) It has been alleged that the complainant regularly deposited the aforesaid amount in the account of Royal Opera House bearing Account No. 50200032147040. Whereafter some point of time she was informed that only 10% to 15% of the amount was being paid to the teachers, and the rest were being kept by the petitioner herself.

(viii) It has been further alleged by the complainant that till date she has given a total amount of Rs. 14,40,000/- to the petitioner. (amount of Rs. 6,40,000/- in the name



of salary, 3,00,000/- in the name of franchise and Rs.

5,00,000/- in the name of interior decoration.

4. The learned Magistrate has taken cognizance of the offences under Section 406 of the Indian Penal Code and ordered for issuance of summons to the petitioner.

5. Learned counsel for the petitioner submits that the dispute between the parties has arisen over the franchise of Royal Opera House Academy. According to him, she had agreed for giving the franchise of the Academy at the cost of Rs. Three Lakhs along with the royalty of Rs. 20,000/-. Learned counsel submits that from perusal of the statements made in the complaint petition itself it would appear that the parties had entered into an agreement and on the agreed terms and conditions, they had taken up the joint business. The dispute has arisen in course of the business. In paragraph '11' of the complaint petition the complainant admits that she had signed on the document but then she has taken a plea that she was made to believe by the accused persons that the other pages of the said document are lying with the lawyer. It is submitted that it is at best a case of dispute between the two partners.

6. Learned counsel for the complainant has opposed this application for pre-arrest bail of the petitioner. It is submitted that the accused persons had taken Rs. 6,40,000/- in



the name of salary of the teachers, Rs. Three Lakhs for taking franchisee and Rs. Five Lakhs was taken in the name of interior decoration but those were not done and as such the accused persons have fraudulently grabbed Rs. 14,40,000/- from the complainant.

7. Learned APP for the state has endorsed the submissions of learned counsel for the O.P. No. 2.

8. Having regard to the facts and circumstances of the case and on going through the statements made in the complaint petition as also from the submissions made at the Bar, in the nature of the present dispute where the complainant has come out with a case that she had entered into an agreement with the accused persons and thereunder she had parted with some money and the dispute seems to be arising out of said partnership deal, this Court directs that in case of her arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Complaint Case No. 2110(C) of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-cum-Additional Chief Judicial Magistrate-VIII, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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