

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.457 of 2024

Arising Out of PS. Case No.-9256 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Ajit Kumar Pandey S/O Hari Krishna Pandey Village- Bhatauli, Near Middle
School, Ps. Nawanagar, Dist. Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Ranjan S/O Jainandan Kashyap Resident Of Krishna Bihari Colony,
Near Open Birla Mind School, Ps. Ramkrishna Nagar, Dist. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Md Ataul Haque, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.
Mr. Chandra Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-05-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 420, 406 and 506 of the
Indian Penal Code.

3. As per the prosecution case, it is alleged that the
complainant entered into partnership with some partners
including this petitioner and agreed to invest money and open a
hospital with the contribution. It is further alleged that on one
pretext or another they cancelled the partnership deed against
three partners and entered into a new partnership agreement
between four partners and as per agreement, they have not
returned Rs. 80,000/- to the complainant.

4. Learned counsel for the petitioner submits that at
best it is a case of breach of agreement and does not entail any



criminal liability. There is no allegation that the petitioner has any fraudulent or dishonest intention from the inception and hence no case of cheating is made out. Lastly, he submits that similarly situated co-accused, namely, Priyanka Kumari, has already been granted anticipatory bail by this Hon'ble Court *vide* order dated 06.12.2023 passed in Cr. Misc. No. 56833 of 2023. Petitioner claims clean antecedent.

5. Learned counsel for the opposite parties vehemently opposed the bail application.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 9256(C) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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