

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68824 of 2024

Arising Out of PS. Case No.-2564 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Madhav Murari Son of Rajkumar Jha R/o 50, Akhilesh Nagar, Gulzarbagh,
P.S.- Byepass, District- Patna

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Asha Ravinath Wife of P.S. Ravinath R/O 36, Mehar Kunj, Near Patliputra
Colony, Patna- 800013

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For informant	:	Mr. Ranjay Kumar Singh, Advocate
		Mr. Shyamal Kishore, Advocate
		Mr. Manoranjan, Advocate
		Mr. Kamlesh Prasad , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-01-2025 Heard learned counsel for the petitioner, informant
and the State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 406 and 417 of the Indian
Penal Code .

3 . As per the prosecution case , complainant and
petitioner were partners in the firm “Power Service System,”
established in 2011, with a profit-sharing ratio of 64:36. It is
alleged that the petitioner created another firm, “M.M.
Engineering,” without the complainant’s consent to divert
business from the partnership, operating it from the same



address. This caused a loss of Rs. 50,00,000/- to the complainant. The petitioner allegedly violated the partnership deed and retired from the firm on 01.01.2020. Despite legal notices exchanged in 2020, the dispute remained unresolved.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. As a matter of fact, complainant owed dues to the petitioner amounting to Rs. 15,79,000/-. When petitioner demanded from the complainant to pay the said amount, the complainant as a counter-blast and to arm twist the petitioner registered the present false complaint case against the petitioner. Moreover, the dispute is of civil nature arises out of commercial transaction and as such no criminal offence is made out. Petitioner claims clean antecedent.

5. Learned counsel for the informant opposed the bail petition of the petitioner and submitted that petitioner was partner with complainant in both partnership firm i.e., Power Service System and Essex Service System and all business transaction was made by petitioner and taking advantage of the same petitioner opened new firm and started dealing with old customer of her firms due to that firm was going in loss and petitioner has gained profit through illegal transaction.



6. Considering the nature of allegation , dispute involved primarily having flavour of civil dispute arising out of partnership business, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named 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 the learned ACJM – X Patna in connection with Complaint case No. 2564 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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