

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36936 of 2013

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Umesh Kumar Agrawal, S/O Late Ratan Lal Agrawal R/O 102 B, M.P.
Residency, Bhattacharya Road, P.S. Gandhi Maidan, District-Patna.
..... Petitioner.

Versus

The State of Bihar

..... Opposite Party.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 23-12-2013

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under
for the offences under Sections 409 and 420/34 of the Indian Penal
Code.

The informant is distributor of Jai Ambey Mobile of
the company (CNF Xage Communication India Private Limited)
having its office at 404-A, 4th Floor, Chiranjiv Tower, 43, Nehru
Place, New Delhi.

The petitioner is a CNF Xage agent or a middleman
between the proprietor and the distributor. The work of the agency
is to deliver the Mobile sets received from the Company, namely,
CNF Xage to the distributor.

It is alleged by the informant that he returned 371
pieces of Mobile sets to the petitioner's agency for giving it back
to the proprietors for its due replacement. The informant further
alleged that the Proprietor through the CNF Xage has already

received the entire money.

The petitioner submits that the Company accepted only 105 mobile sets as defective one and agreed to compensate the informant for the limited number of sets only. The petitioner submits that he received Rs. 1,40,000/- approximately, which he is willing to deposit in the account of the informant by way of Bank draft.

The petitioner would deposit a sum of Rs.1,40,000/- in the account of the informant within five weeks from today and would file an affidavit to the aforesaid effect in the trial court as well.

It further appears from the submission of the petitioner that it is the CNF Xage Communication India Private Limited, which has to account for the remaining 266 mobile sets.

The police would take appropriate steps against the Company in accordance with law at the earliest, so that the investigation could be brought to its logical conclusion.

In the circumstances, in the event of arrest or surrender before the court below within four weeks from today the above named petitioner be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief

Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case no. 32 of 2013 subject to the conditions as laid down under Section 438 (2) Cr.P.C. with the conditions specified aforesaid.

(Samarendra Pratap Singh, J)

Uday/-