

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52472 of 2015

Arising out of PS. Case No. -2053 Year- 2011 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Som Dutta Kumar @ Somdutta Kumar son of Sri Krishna Prasad, resident
of village- Katari Balizori Bigha, P.S.- Chandauti, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Abhay Kumar son of Sri Raj Kumar Yadav, resident of village-
Sultanganj, P.S. Sultanganj, District- Bhagalpur

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kr. Roy 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-12-2015 Heard the parties.

The petitioner apprehends his arrest in connection
with Complaint Case No. 2053 of 2011 for the offences
punishable under sections 420 and 406 of the Indian Penal Code.

Mr. Bimal Kumar, learned counsel for the petitioner
with reference to the petition of complaint present at Annexure-1
submits that both the complainant as well as the petitioner were
employees of the finance company and the complainant who
happens to be the Branch Manager has charged the petitioner
with the alleged misappropriation when the fact is that not a
single penny has in fact been given to the petitioner by the
complainant. He submits that had the petitioner been guilty then

it would be the finance company who would have instituted the case against him.

The allegation set out in the complaint charges the petitioner of non-disbursement of Rs. 1,80,000/- of the finance company to the loanees. Admittedly, the finance company is not the complainant.

In the circumstances discussed and considering the submissions of learned counsel, let the petitioner, namely, Som Dutta Kumar @ Somdutta Kumar in the event of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Katihar and/or the court concerned in connection with Complaint Case No. 2053 of 2011 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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