

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34315 of 2015

Arising Out of PS.Case No. -589 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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Ajit Kumar Singh Son of late Amrendra kumar Singh r/o 148, Abhiyanta Nagar, Ram Nagari Moar, P.O. Ashiyana Nagar, P.s Rajeev Nager Distt Patna

.... Petitioner

Versus

1. The State of Bihar
2. Arun Gautam S/o late Ram Pratap Singh Director Jai Guru Engicons Pvt. Ltd. R/o 11, Ashiana Nagar, P. s Rajeev Nagar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 07-12-2015 Heard Sri Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioner and Sri B.P. Pandey, learned senior counsel appearing on behalf of the complainant as well as learned Additional P.P.

The petitioner apprehends his arrest in Complaint Case No. 589(C)/14, registered for the offences punishable under Section 420 of the Indian Penal Code.

The gist of the allegation is that the petitioner was partner and good friend of the complainant and he was looking after the business of the complainant. The petitioner took out Rs. 7 crores from the business proceeds of the complainant and on

demand the petitioner gave seven cheques each of Rs. 50 lacs to the complainant and all the cheques were dishonoured.

Learned counsel for the petitioner submits that the petitioner was good friend of the complainant, but he never took money, rather during the friendship the complainant took out some cheques of the petitioner and the moment the petitioner knew about the missing of the cheques, he informed the Bank.

On the other hand Sri B.P. Pandey, learned senior counsel has submitted that it is a case of cheating as well as an offence under Section 138 is made out.

On perusal of records, it appears that the complainant has alleged that the petitioner fraudulently took out money from the business proceeds of the complainant, but on the other hand it is contended that the petitioner was a good friend of the complainant and during the friendship some cheques of the petitioner were taken away by the complainant and the cheques were presented fraudulently.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 learned Sub Divisional Judicial Magistrate, Birpur in connection with Complaint Case No. 589(C)/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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