

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48120 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Chandrakant Chaudhary son of Late Ramjee Chaudhary,
2. Sanjeev Kumar Chaudhary Son of Chandrakant Chaudhary Both are
Resident of village- Bhagaiya, P.S. Mohiuddinnaagar, District- Samastipur,
at present Mohalla- 12 Patthar, Town, P.S. and District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Mandal son of late Ram Charan Mandal, Resident of village-
Sanhauili, P.S.- Chitragupta Nagar, District- Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-11-2015 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420, 468/34 of the Indian Penal Code.

The prosecution case is that the petitioners are partners of C.K. Construction Company which was managed by Surendra Kumar Chaudhary. The complainant entered into an agreement with Surendra Kumar Chaudhary for pursuing the construction work with a condition to share profit, but Surendra Kumar

Chaudhary did not pay Rs. 47,53,662/- to the complainant. The complainant due amount of Rs. 47,53,662/- and witnesses to the complainant to the tune of Rs. 50,35,359/-..

It is submitted by the learned counsel for the petitioners that the complainant never entered into an agreement with the petitioners. Complainant entered into an agreement with Surendra Kumar Chaudhary, against whom two Money Suits have been filed by the petitioners being Money Suit No. 11 of 2012 and 08 of 2013 and thereafter the present complaint has been filed. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent. It is further submitted that the complaint petition reflects that on mere apprehension the accusation has been levelled.

It is submitted by the learned counsel for the complainant that he worked under the C.K. Construction Company and since the petitioners are managing partners hence they are liable to make payment of due amount.

Considering the fact that the complainant was in an agreement with Surendra Kumar Chaudhary, against whom the petitioners lodged Money Suit, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like

amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Complaint Case No. 21C of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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