

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27074 of 2016

Arising Out of PS.Case No. -139 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Uday Dubey S/o Bishundeo Dubey R/o Mohammadpur, P.S. Manjhi, Distt.
Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 30-08-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 408
and 420 of the Indian Penal Code.

The prosecution case is that the petitioner while
working as Manager in the Transport Company of the informant
misappropriated Rs.23,64,851/-, though, he admitted the short
amount to the extent of Rs.18,80,662/-.

The matter was referred to the Mediation Centre
on the joint prayer of the parties vide order date 01.07.2016. The
report of Mediator dated 24.08.2016 reflects that the issue could
not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that even the undertaking given by the petitioner suggests that the amount was found short and took responsibility to repay the amount but that does not constitute the offence of cheating or misappropriation.

It is submitted by learned counsel for the informant that the petitioner admitted to return the short amount to the extent of Rs.18,80,662/-, but now he has retracted from his own undertaking.

Considering the nature of accusation, it is a case for consideration of prayer for bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Siwan Town P.S. Case No. 139 of 2016 pending in the court of learned Chief Judicial Magistrate, Siwan.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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