

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4575 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -BYPASS District- PATNA

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1. Harish Agarwal, Son of Late Ashok Kumar Agarwal, resident of 282 Rabindra Sarani, P.S.- Girish Park, Kolkata-7.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar, Managing Director, son of Kishna Lal Sah, M/S Harsh Tejas Packaging Pvt. Ltd. resident of Mohalla- Agamkuan, Tulsi Mandi, P.S Alamganj, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Binod Kr. 3(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 10-02-2016 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

It is an admitted case of the informant that there was business transaction between him and petitioner and in that course there was dues of Rs.61 lacs and odd upon the petitioner who subsequently refused to make payment of the aforesaid amount.

Submission on behalf of the petitioner is that no case under section 406 and 420 of the Indian Penal Code is made out and, moreover, the alleged occurrence is said to have taken place in course of business transaction and, therefore, at best the

informant could file civil suit.

Although, learned counsel appearing for the informant opposed the prayer for bail of the petitioner but taking into consideration the submission made on behalf of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna City in connection with Bypass P.S.Case No. 28 of 2015.

(Hemant Kumar Srivastava, J)

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