

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4555 of 2016

Arising Out of PS.Case No. -379 Year- 2015 Thana -SHASTRINAGAR District- PATNA

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Lt. Col. Akshay Kumar Yadav (Rtd.) @ Akshay Kumar Yadav son of Sri Harigovind Yadav, Resident of Village Anathalaya Road, P.S. Town, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 28-06-2016 Heard Mr. Yogesh Chandra Verma learned counsel for the petitioner, Mr. Ajay Kumar Thakur, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in Shastri Nagar P.S. Case No. 379/2015, registered for the offence punishable under Sections 323, 324, 406, 420 of the Indian Penal Code.

The informant filed a complaint case stating therein that the complainant entered into an agreement with Akshay Kumar Yadav for running a security service agency and alleged that he invested a sum of Rs. 18,80,000/- and on the basis of complaint present F.I.R. was lodged.

Mr. Yogesh Chandra Verma learned counsel for the

petitioner submits that he credited Rs. 8,63,364/- through cheques in the account of the informant vide annexure 3. The informant has not substantiated his investment in the firm by any documentary evidence. Although he claimed to have invested more than Rs. 18,00,000/- during the period of running the business before dispute.

It is further submitted that from perusal of the counter affidavit annexure 'J' series it appears that the informant invested Rs. 9,37,980/-. The petitioner is ready to pay Rs. 1,37,000/- subject to the fact that claim and counter claim of the informant and the petitioner shall be adjudicated in proper procedures.

On such Mr. Ajay Kumar Thakur, learned counsel for the informant very clearly stated that in this proceeding adjudication of the accounts could not be done and for that a separate proceeding has to be instituted. If the petitioner will pay Rs. 1,37,000/- to the informant within one month, the informant has no objection.

Considering the facts aforesaid, the petitioner, in the event of his arrest or surrender before the court below within a period of six 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 the learned Chief Judicial Magistrate, Patna in connection with Shastri Nagar P.S. Case No. 379/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C subject to the condition that petitioner shall pay Rs. 1,37,000/- through bank draft prepared in the name of informant within four weeks from today and shall be handed over to the informant in the court at the time of surrender of the petitioner.

(Prabhat Kumar Jha, J.)

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