

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12755 of 2017

Arising Out of PS.Case No. -3194 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mohd. Sharif, Prop Sharif Brothers, son of Late Noor Mohamad, resident of
Mohalla- Batagung Digha, P.S.- Digha, Dist- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Ramjee Gupta, son of Late Saryu Prasad Gupta, resident of 5 Gorapado,
Sarkarlane, P.S.- Ultadanga, Dist- Kolkata- 67.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh, Advocate.
For the Opposite Parties : Mr. Ram Anurag Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-04-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 3194C of 2007 registered for the offences punishable under
Sections 406, 420 and 120B of the Indian Penal Code.

The complainant filed complaint case alleging therein
that he was the higher bidder and deposited Rs. 4,25,000/- but
since the bank was closed, therefore, he could not deposit the
requisite amount in time and the tender was accepted in favour of
second highest bidder.

Learned counsel for the petitioner submits that no
offence under Sections 406, 420 and 120B of the Indian Penal
Code is made out. The order finding prima facie case against



accused no. 1 to 5 has already been quashed vide order passed in Cr. Misc. No.32719 of 2009 along with analogous cases, but the petitioner had no knowledge and the court below issued non-bailable warrant of arrest against the petitioner.

Considering the facts aforesaid, 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 the Sub- Judge VII-cum-Additional Chief Judicial Magistrate, Patna in Complaint Case No. 3194C of 2007, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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