

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15458 of 2017

Arising Out of PS.Case No. -355 Year- 2016 Thana -DANAPUR District- PATNA

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Uttam Kumar S/o Late Gopal Prasad, Proprietor of M/s Siddhi Vinayak
Trader, Vashkiyar Market, Mirsafayat Road, Purani Godown, Gaya P.S.-
Kotwali, District-Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anujit Sinha, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-07-2017 Heard both sides.

The petitioner apprehends his arrest in Danapur P.S. Case
No. 355 of 2016 registered for the offences punishable under Sections
406 and 420 of the Indian Penal Code.

The informant alleged that she transferred Rs. 7,35,000/-
through RTGS to Sidhi Vinayak Firm, Gaya for supply of sugar but the
informant proprietor of Pooja Store, Bibiganj, Dalwar Road, Danapur
did not receive 200 quintal sugar.

Shri N.K. Agrawal learned senior counsel for the petitioner
submits that it is true that the petitioner received Rs. 7,35,000/- for
supply of sugar but the petitioner supplied sugar to Pooja Store and
receipt is annexed as Annexure-2 series. There is dispute with regard to
receipts and the dispute arose during course of business transaction.

On the other hand Mr. Patanjali Rishi learned counsel for



the informant vehemently opposed the prayer for anticipatory bail of the petitioner and submits that from perusal of invoice at page 22 it appears that there is receipt of 160 packets by Pankaj Kumar and Pankaj Kumar is, ofcourse, the son of the informant but signature of Pankaj Kumar is forged. Therefore the petitioner does not deserve anticipatory bail.

From perusal of the FIR it appears that the informant and the petitioner are on business terms from before. The petitioner admits that he received Rs. 7,35,000/- in his account through RTGS and in lieu thereof he sent sugars to Pooja Store through different invoices.

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 learned Additional Chief Judicial Magistrate, Danapur, Patna in Danapur P.S. Case No. 355 of 2016, 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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