

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32436 of 2017

Arising Out of PS.Case No. -8 Year- 2013 Thana -SHEKHPURA District- SEKHPURA

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Arvind Prasad, son of late Saryug Mahto @ Late Saryug Prasad, resident of Jagdishpur, P.S. Jairampur, P.O. Toisadh, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is apprehending his arrest in connection with Sheikhpura P.S. Case No. 8 of 2013, G.R. No. 25 of 2013 registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

The allegation relates to withdrawal of Rs. 3 lacs from the joint account of the partnership.

Counsel for the petitioner submits that the Bank account from which the withdrawal was made was a business account of the partnership and the same was operated only by the signatures of all the three partners. He further submits that he has been falsely implicated in the instant case as there was some dispute arising out of the business. He relies upon Annexure 3



which is an order passed by the State Complaint Redressal Committee of the Department of Labour, Government of Bihar wherein a finding has been recorded on 12.08.2013 that the petitioner would return the capital invested by the informant and other partners and upon return of money, no grievance would exist among the partners. He has also annexed the document dated 23.08.2013 which is a declaration by the other two partners stating that they have settled the account and have no concern with business and that the petitioner is free to carry the business of his own.

In the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. Let the above named petitioner, in the facts and circumstances of the case, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sheikhpura in Sheikhpura P.S. Case No. 8 of 2013 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Madhuresh Prasad, J)

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