

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34699 of 2017

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

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1. G.S.Chaudhary Son of late Tulsi Ram Chaudhary Resident of Flat No. 20, Sawan Apartment, Saleem Nagar Colony, Maldepeet Hyderabad, P.S. Maldepeet, District - Sikar (Rajasthan).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in Patliputra P.S. Case No. 28 of 2015 registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

The informant filed Complaint Case No. 297(C) of 2015 on the basis of which the present FIR is lodged. The informant alleged in his complaint petition that the petitioner and others approached him to help in extending business in Bihar. The accused persons agreed to pay 25 percent of the total benefit to the informant but the accused persons did not pay any single farthing. The power of attorney was also executed entrusting certain works



to be done by the informant.

Learned counsel for the petitioner submits that there is no agreement to pay any commission to the informant out of the income of the company. Power of attorney is annexed at page 39-40 of the bail petition which shows that there was no agreement between the petitioner and the informant to pay any part of the income to the informant.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that the petitioner filed a case at Hajipur and the police after investigation submitted final form. There was an oral agreement between the petitioner and the informant but now the petitioner is not paying the commission to the informant.

Considering the facts aforesaid and the facts that there is no agreement between the petitioner and the informant, 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 Sub-Judge XV-cum-Additional Chief Judicial Magistrate, Patna in Patliputra P.S. Case No. 28 of 2015,



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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