

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43428 of 2017

Arising Out of PS.Case No. -659 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. SUNIL KUMAR SONI @ SUNIL KUMAR Son of Late Hari Prasad
Soni Proprietor of S.K. Chains Private Ltd., 9 Kannu Lal Lane, near
Burtolia, P.S. Civil Line, District Kolkata, West Bengal
..... Petitioner

Versus

1. The State of Bihar.
2. Sanjay Kumar @ Mohan, Son of Din Dayal Prasad Resident of Mohalla -
Bakerganj, Opposite Gulab Bagh Market, Police Station - Kadamkuan,
District – Patna
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. J.S. Arora, Sr. Adv. with Mr. Manoj
Kumar, Adv.
For the Opposite Parties : Mr. Ajit Kumar, APP 73

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 19-09-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 659(C) of 2017 under Sections 341, 323, 406, 420 and
34 of the Indian Penal Code.

The complainant alleged that he deposited
Rs.2,93,00,000/- in the account of Sunil Kumar Soni @ Sunil
Kumar, the petitioner, in the Axis Bank. The accused had to
deliver 9027.067 miligram new gold ornaments, but, the accused
persons delivered only 6723.747 miligram new gold ornaments
through invoice no. 318 of 2016-2017, dated 19.11.2016, invoice
no. 319 of 2016-2017, dated 19.11.2016 and invoice no. 320 of
2016-2017, dated 19.11.2016.

Mr. J.S. Arora, the learned senior counsel for the
petitioner submits that three invoices attached with the compliant
petition, itself, show that the complainant purchased gold worth



Rs.2,93,00,000/- from the shop of the petitioner. The dispute is only with regard to the price of gold and for that the complainant lodged this case making false allegation. It appears, from the perusal of the cash memo attached with the complaint petition at pages 28, 29 and 30, vide invoice no. 318, dated 19.11.2016, the complainant purchased gold of Rs.1,00,00,000/-, vide invoice no. 319, dated 19.11.2016, the complainant purchased gold of Rs.93,00,000/- and vide invoice no. 320, dated 19.11.2016, the complainant purchased gold worth of Rs.1,00,00,000/- and in total the complainant purchased gold worth Rs.2,93,00,000/- from M/S S.K. Chains Private Limited, 9, Kannu Lal Lane (Near Burtolla Street) Kolkata – 700 007, West Bengal.

Considering the facts, aforesaid, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Complaint Case No. 659(C) of 2017** to the satisfaction of the **Sub Judge XII-cum-Additional Chief Judicial Magistrate, Patna**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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