

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39090 of 2016

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1. Amit Kumar Son of Krishna Kumar Sharma, resident of Balughat Bramsthan, P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tanmay Sidhant, son of Amar Kumar Sidhant, Village- Daudpur Kothi, Lakhimpur, P.S and District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-01-2017 Learned counsel for the petitioner

has produced before this Court a demand draft of Rs. 49,300/- bearing No. 124453 dated 23.12.2016 payable to Shair Micropin Limited, Madhubani, which amount the petitioner is said to have misappropriated.

By an order dated 11.08.2016 passed in Cr. Misc. No. 18859 of 2015, the petitioner's application for anticipatory bail was disposed of in terms of the judgment of this Court in case of *Salim Ansari @ Md. Salim Ansari and others V. The State of Bihar* reported in *2015 (3) PLJR 807*.

The present application has been filed for modification of the said order on the ground that warrant of arrest had already



been issued before passing of the said order dated 11.08.2016 and, therefore, decision in case of *Salim Ansari* (supra), had no application.

In course of hearing of the present case, it was agreed upon between the parties that if the amount alleged to have been misappropriated by the petitioner is paid by him to the Company, the Company shall have no objection if the entire criminal prosecution itself is set at rest.

An affidavit has been filed today on behalf of the complainant stating therein that the Opposite party No.2 is ready to settle the entire dispute if the said amount of Rs. 49,300/- is paid to the Company. It is in pursuance of stand taken on behalf of the parties that the said draft has been produced.

Let the demand draft be handed over to the learned counsel appearing on behalf of Opposite party No.2.

Considering the above stand taken on behalf of the parties, the entire prosecution arising out C. R. No. 1234 of 2012 (Tr. No. 4589 of 2013) stands quashed.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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