

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21982 of 2017

Arising Out of PS.Case No. -193 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-SITAMARHI

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1. Surendra Sah Son of Asharfi Sah, R/o Village- Murliyachak, Ward No.4, P.S.- Sitamathi, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Ajay Kumar, Son of Late Satya Narain Prasad, Resident of Purani Bazar Ward No.11, P.S.- Sitamarhi, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 11-08-2017 Heard learned counsel for the petitioner, learned counsel for the Complainant/Opposite Party No. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in Complaint case No. C1-193 of 2016 registered for offences punishable under Sections 403, 406 and 420 of the Indian Penal Code.

The accusation is that the petitioner is doing the whole sale rice business in the name of Ma Janki Traders and for expanding the business, he took Rs. 5 lakh from the complainant but on repeated request by the complainant/ Opposite Party No.2, he did not return the said amount, as such, the petitioner misappropriated Rs. 5 lacs.



Learned counsel for the petitioner submits that in fact, the informant was partner of the petitioner and he had defalcated rupees thirty lakhs during the course of business. The petitioner has also lodged Sitamarhi P. S. Case No. 219 of 2016 under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code against the Complainant/Opposite Party No.2.

The Complainant/Opposite Party No. 2 has also filed Sitamarhi P. S. Case No. 239 of 2016 against the petitioner regarding misappropriation of money. Moreover the dispute is of civil nature.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each in connection with Complaint Case No. C1-193 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the condition laid down under Section 438 (2) of the Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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