

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26306 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Tausif Ahmad, Son of Sayed Wasi Ahamad, Resident of Village- Sarmi, P.S.- Sahajitpur, District- Saran (Chapra) At Present Flat No. 302, Emarat Firdaus, Building, 3rd Floor, Exhibition Road, Patna.800001.
2. Md. Firoz Ahmad @ Md. Firoz, Son of Md. Neyaz Ahmad, Resident of Naugarwa, P.S.- Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarique Masood, Son of Md. Masood Ahmad, Resident of Khan Mirza Sultanganj, P.S.- Sultanganj, District- Patna.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Sri Nityanand
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-07-2017

Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. 82/2016, registered for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

The complainant alleged that the petitioners and complainant are partners in High Flier Services Pvt. Ltd. It is alleged that the petitioners and the complainant invested money in the Company and the petitioners issued three cheques in favour of the complainant for payment of money, but the cheques were dishonoured.

Learned counsel for the petitioners submits that the complainant was although partner of the Company was sitting in the



office of the Company and he took the cheques issued by petitioner no. 1 and presented the same in the Bank. In fact, petitioner no. 1 asked the complainant for declaration of profits of the company, but he started evading from the same.

Learned counsel for the complainant, however, opposed the prayer for anticipatory bail and submitted that e-mail message was sent to the complainant about sending of cheques.

It appears that the complainant and petitioners are partners in the company, namely, High Flier Services Pvt. Ltd. They invested money in the said company and distributed the amount of profits.

Considering the facts aforesaid, the petitioners above named in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna in connection with Complaint Case No. 82/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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