

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30803 of 2018

Arising Out of PS. Case No.-190 Year-2018 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Nilam Kumar Agrawal S/o Sri Bishwanath Agrawal, Resident of Village/
Mohalla- Shivajee Colony, Purnia, P.S.- K.Hat, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar Agrawal, S/o Late Mohan Lal Agrawal, Resident of Bhatt Bazar,
Durgabari, P.S. K.Hat, District- Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Complaint case no.
190/2018 instituted for the offence under Section(s) 420, 406,
467, 468, 471, 504 and 323 of the Indian Penal Code.

Learned counsel for the petitioner submits that
complainant himself was one of the partner of the aforesaid
Cold Storage which is apparent from para 2 of the complaint
petition. From the narration of allegation made in the complaint
petition, it appears that there is dispute between the partners
with regard to their share. It is further submitted that earlier
petitioner has also filed a case against the complainant and two



other partners, namely Subodh Kumar Kedia and Jagat Lal Baishyantri on 16.10.2017 alleging that complainant misappropriated the amount of Rs. fifteen lacs which was transferred in the account of Shri Ram Furniture proprietor Arun Kumar Agrawal. The aforesaid complaint has been annexed as Annexure-3 to the bail petition. As such it appears that there is dispute between both partners for share for which appropriate remedy is available.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with C.A. No. 190 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Purnia, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if



petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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