

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.61310 of 2017**

Arising Out of PS.Case No. -388 Year- 2017 Thana -FATUHA District- PATNA

=====

1. Rajesh Kumar Agarwal @ Rajesh Agarwal S/o Late Govind Prasad Agrawal, R/o M/s Maa Tara Agency , Madhusudan Guard, K.K., Sahu lane, Kedarnath Road, P.S.- Town, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

6      31-01-2018                      Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Fatuha PS case no. 388 of 2017 registered for the offences punishable under Sections 406, 379 of Indian Penal Code.

The learned Sr. counsel for the petitioner, at the very outset, submits that leaving aside the nitty-gritty of the case, the petitioner is ready to make payment of a sum of Rs. 2.00 crore for the purpose of grant of anticipatory bail apart from the sum of Rs. 25 lacs already deposited in pursuance to the orders of this Court.

``The learned counsel for the opposite party no. 2 submits that a sum of Rs. 3.63 crore is outstanding.



The learned Senior Counsel submits that out of the said amount of Rs. 3.63 crores, a sum of Rs. 1.13 crores approx. is outstanding with opposite party no. 2 from before and a sum of Rs. 25 lacs has been paid to the opposite party no. 2 by the orders of this Court, hence the balance amount comes to a sum of around Rs. 2.25 crores which is more or less the amount which the petitioner has agreed to pay to the opposite party no. 2, hence the petitioner be directed to deposit a sum of Rs. 2 crore subject to accounting to be carried out between the parties which should be made without prejudice to any order being passed by this Court.

Even according to the case of the prosecution, the allegation is regarding 52,260 bags of sugar having been loaded on train rake from Rampur which was transported to the unloading rake point at Fatua. Thereafter, the said 52,260 bags of sugar each containing 50 kgs. of Sugar were loaded on 163 trucks however, 83 trucks reached the godown of the petitioner herein but 78 trucks went missing. The further allegation is that since the said sugar was to be delivered to the petitioner herein, there is a suspicion that the said truck were taken to the godown of the petitioner herein.

Having regards to the facts and circumstances of the case as also the fact that the entire allegation is purely a dispute pertaining to business transaction, I do not find any



impediment in grant of anticipatory bail to the petitioner specially in view of the fact that the petitioner himself is ready to pay a sum of Rs. 2 crores, hence it is directed that the said amount may be paid within a period of 09 months from today.

Having regard to the facts and circumstances of the case, it is directed that the petitioner shall be released on provisional bail upon him surrendering before the concerned court within a period of four weeks from today and showing the proof of payment of Rs. 50 lacs to the opposite party no. 2. It is further directed that the balance amount of Rs. 1.50 crore shall be paid within a period of 08 months thereafter, whereafter upon showing the proof of payment of the said amount, the provisional bail of the petitioner shall be confirmed. It is further directed that the petitioner shall not be arrested for a period of four weeks from today. It is made clear that in case of any default in making payment, the present privilege of anticipatory bail being extended to the petitioner herein would stand cancelled automatically.

**(Mohit Kumar Shah, J)**

rinkee/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

