

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39323 of 2017

Arising Out of PS.Case No. -2530 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Pankaj Agarwal
2. Binay Kumar Agarwal @ Binay Dudhewala Both sons of Bishambhar Prasad Dudhewala R/o Manjay Sadan, Near ITO Golambar, P.S. Budha Colony, Kidwaipuri, Dist - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rishu Bajaj S/o Anil Bajaj R/o Flat No. 302, Pushpanjali Venkatesh Apartment, Budha Marg, P.S. Kotwali, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate.
For the informant : Mr. Subodh Kumar Jha, Advocate.
Dr. Priya Gupta, Advocate
For the State : Mr. Binod Kumar No. 3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10 02-04-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Complaint-cum-Protest Case No. 2530 (C) of 2015** instituted for the offence under Sections 420, 406, 427 and 120B of the Indian Penal Code.

It is alleged in the written report that the petitioners who are known to the informant visited his residence where they met with the father of the informant and persuaded to invest money in chemical business. The informant agreed and invested money to the tune of Rs.60,00,000/- after withdrawing money



from Bajaj Foams Private Ltd. The accused persons misappropriated money from the business and embezzled Rs.60,00,000/- of the partnership firm.

Learned counsel for the petitioners has submitted that police after investigation has submitted Final Form in this case. Thereafter, cognizance has been taken on the basis of protest petition filed by the informant. Learned counsel for the petitioners has also pointed out paragraph-4 of the supplementary affidavit wherein he has stated that out of Rs.90,00,000/- invested by the parents of the complainant, the petitioners have returned an amount of Rs.82,033,30/-uptill now and also a flat worth more than Rs.40,00,000/-.

Learned counsel for the opposite party No. 2 has filed counter affidavit wherein it has been submitted that out of Rs.60,00,000/- which was paid by the informant and his father, to the petitioners, the petitioners have returned only Rs.23,00,000/- and Rs.37,00,000/- is still due.

This Court is of the view that there is dispute of accounting between the parties for which civil remedy is available to the opposite party No. 2 for redressal of his grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the



event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Complaint-cum-Protest Case No. 2530 (C) of 2015**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Smt. Sangeeta Rani, learned Additional Chief Judicial Magistrate, Patna**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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