

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21354 of 2018

Arising Out of PS.Case No. -1772 Year- 2016 Thana -GAYA
COMPLAINT CASE District- GAYA

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Sharique Qaiser, Son of late Qaiser Alam, Resident of
Mohalla-Nagmati Colony, Road No.-5, P.S.-Civil Lines,
District-Gaya-823001.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Jawed Khan, S/o Md. Jamal Khan, Mohalla-
Karimganj, Road No.-2, Lane No.-7, P.S.-Civil Lines,
District-Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-04-2018 A counter affidavit has been filed on behalf of the
complainant/O.P. No. 2. Let it be taken on the record.

The petitioner seeks bail in anticipation of his arrest in
connection with Complaint Case No. 1772 of 2016 instituted
for the offence under Section 406 of the Indian Penal Code.

The complainant/O.P. No. 2 had entered into an
agreement with the father of the petitioner for the purposes
of running the LPG store as a joint venture. The agreement
indicates that on the investment of money by the
complainant/O.P. No. 2, he shall be entitled to 50 percent of
the profits and would also have his rights to inspect the



records and the accounts of the company. As the allegation stands, the father of the petitioner died and the complainant/O.P. No. 2 was left absolutely high and dry. He was not paid the profits and the money is not being returned by the son/petitioner.

According to the allegation made in the complaint petition, a total amount of Rs. 12,00,000/-(twelve lakhs) was invested by the complainant/O.P. No. 2.

Mr. Gouranga Chatterjee, learned counsel for the petitioner, however submits that the allegation is absolutely false. In the first instance, there was no agreement with the petitioner. At the time when the agreement was executed, the petitioner was only a student of B.C.A and was not involved with the affairs of the company in which the complainant/O.P. No. 2 had invested his money. Apart from this, it has been submitted by Mr. Chatterjee that he is in possession of a receipt of Rs. 2,00,000/-(two lakhs) which was paid by his father to the complainant/O.P. No. 2. He further submits that if the accounts are inspected, it would become very evident that more than Rs. 12,00,000/-(twelve lakhs) has been paid to the complainant/O.P. No. 2.

However, this Court is not going into the aforesaid question as it relates to accounts. The O.P. No. 2, may, if so advised, seeks necessary remedy for recovery of the money



which had been invested. However, so far as the allegation under Section 406 I.P.C. is concerned as against the petitioner, there is no material on which the anticipatory bail could be denied to him.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Complaint Case No. 1772 of 2016.

(Ashutosh Kumar, J)

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