

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20322 of 2017

Arising Out of PS. Case No.-1442 Year-2009 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Manoj Kumar @ Manoj Kumar Singh Son of Late Radha Krishna Singh, R/o
Madhuban Gents Parlour, Lav Kush Budha Colony, Mandiri, P.S.-Budha
Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharendra Kumar, Son of Sri Karu Prasad Singh, R/o Mohalla -141.
Anantayan, Anand Puri, West Boringh Canal Road. P.S.- Sri Krisna Puri,
District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh
For the Opposite Party/s : Mr. Rajkishore Singh

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 11-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his
arrest in connection with Complaint Case No. 1442(C) of 2009
registered for offences under sections 323, 379 and 406 of the
Indian Penal Code.

An allegation has been made that the petitioner had
taken money from the open market in the name of the firm and
misappropriated the fund of the firm. The petitioner and the
opposite party no.2 are partner of the firm. There is a
commercial dispute between them.

This Court had earlier remanded the case for



resolution of the dispute to the Mediation Center but, it could not succeed. On the last occasion, this Court had directed the opposite party no.2 to substantiate his statement with regard to taking money from the open market. Today, an affidavit has been filed attaching the plain paper giving the name of the establishment from whom the petitioner has taken money.

Challenge has been made that it cannot be a proof in any manner to substantiate the claim that the petitioner has taken money from the open market. He has categorically stated that he has not taken money in the name of the firm from the open market.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Manoj Kumar @ Manoj Kumar Singh, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 1442 (C) of 2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to the condition that the petitioner will cooperate in the early disposal of the case, in failure to



cooperate, the court below will be at liberty to take any action including the cancellation of the bail of the petitioner.

(Shivaji Pandey, J)

rishi/-

U		T	
---	--	---	--

