

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42422 of 2018

Arising Out of PS.Case No. -173 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Anil Kumar Bajaj S/o Late Purushottam Bajaj, R/o 302, Ventakesh
Apartment , Buddha Marg, P.S.- Kotwali, Town and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Arti Rathi W/o Sri Arun Kumar Rathi, R/o Gurhatta, Hamam Road,
Patna City, Patna- 800008, One the Directors of M/s Krishna Soft Extrusion
(Pvt.) Ltd, Registered under Companies Act 1956 situated at Nashriganj,
P.s.- Danapur, Digha, District- Patna 800012.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Gupta
For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P.

The petitioner apprehends his arrest in Complaint Case
No.173(C) of 2013 registered under Sections 468, 469, 470, 471
and 420 of the Indian Penal Code.

The complainant in the nutshell alleged that the
petitioner along with two others including complainant were
Board of Directors of the company namely M/s Krishna Soft
Extrusion(Pvt.) Ltd. The complainant stated that the petitioner was
the working Director. Unfortunately, one of the Directors died but
the petitioner showed false accounts that the company incurred



loss. It is further alleged that the Board of Directors authorized the petitioner, Anil Kumar Bajaj to negotiate for sale of immovable property of the company and to pay of the loan amount of the Bank but the petitioner interpolated in the resolution of the company and sold the immovable property for that the complainant filed Title Suit No.375 of 2011.

The learned counsel for the petitioner submits that there is no interpolation in the resolution. The complainant has already filed a civil suit for redressal of her grievance and no criminal offence is made out.

On the other hand, learned counsel for the complainant submits that this Court has dismissed the petition filed by the petitioner for quashing of the order summoning the petitioner holding that prima facie case under Section 467 is made out.

Having perused the complaint petition, I find that the dispute appears to be of civil nature. The complainant has alleged that the petitioner was authorized by a resolution of the Board of Directors to negotiate for sale of the immovable property in order to pay of the loan but the complainant alleged that petitioner sold the immovable property without any authorization for that the complainant has already filed Title Suit No.375 of 2011 pending in the Court of Sub Judge I, Danapur.



Taking into consideration the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged 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 Additional Chief Judicial Magistrate, Danapur, District-Patna in connection with Complaint Case No.173(C) of 2013, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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