

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5041 of 2021

Arising Out of PS. Case No.-2486 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. NARESH DHINGRA @ NARESH KUMAR DHINGRA Son of Late Sh. J.R. Dhingra J.M.D. Oils Private Ltd. New Delhi -110015, Registered office- S/24, P.S. Ramesh Nagar, New Delhi -110015
 2. Krishan Dhingra Son of Late Sh. J.R. Dhingra J.M.D. Oils Private Ltd. New Delhi -110015, Registered office- S/24, P.S. Ramesh Nagar, New Delhi -110015

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vijay Kumar Modi Son of Late Gauri Shankar Modi Proprietor Vindyawasni Sales Private Ltd. Anupam Complex, S. Kandarpur, P.S. Nagar, District - Muzaffarpur -842001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Syed Firoz Raza, Advocate
For the Opposite Party/s :	Mr. Rajesh Kumar, APP
	Mr. Sanjay Kumar @ S.K.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 14-12-2021 Heard Mr. Syed Firoz Raza, learned Advocate for the petitioners and Mr. Sanjay Kumar @ S.K. for the complainant/opposite party no. 2. The State is represented by Mr. Rajesh Kumar, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 2486 of 2017, corresponding to Trial No. 1215 of 2019 in which cognizance has been taken under Sections 406 and 420 of the Indian Penal Code.

The accusation against the petitioners is that



for an amount of Rs. 1,66,00,000/- given by the opposite party no. 2, they have supplied materials only worth Rs. 1,49,00,000/-. Approximately Rs. 17,00,000/- is due against the complainant/opposite party no. 2.

Learned counsel for the opposite party no. 2 has submitted that in order to misappropriate the aforesaid amount, the petitioners have got themselves declared insolvent.

Be that as it may, from the accusation in the FIR, it appears that there is business relationship between the parties. There is no clear ingredient of either Sections 406 or 420 IPC available in the complaint petition as well as in the other materials on record.

Regard being had to the aforesaid facts, provisional bail granted the petitioners by order dated 10.09.2021 is, hereby, confirmed.

The petitioners shall remain on the same bail bonds.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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