

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48945 of 2021

Arising Out of PS. Case No.-358 Year-2016 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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SUNIL KUMAR SINGH S/o SHRI GHANSHYAM PRASAD SINGH R/o
VILLAGE-BASTIPATTI MAHUAWA SINGHIYA, P.S-SINGHIYA,
DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. AZHARUDDIN S/o PROP. MD. MURTAZA R/o MOHALLA-
TEDI/IMLI BAZAR, WARD No.25, P.S-LAHERIASARAI, DISTRICT-
DARBHANGA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 21-06-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 406 / 420 / 120B of the Indian Penal Code and Section 138 of the N.I.Act.

The allegation against petitioner is that on the persuasion of this petitioner, who was sales manager, the complainant agreed to become the C & F Agent of the company. It is further alleged that this petitioner alongwith other accused persons cheated the complainant and defalcated Rs. 19,67,000/-.

It is submitted on behalf of petitioner that no case under Section 406, 420 and 120B of the I.P.C. is made out against this petitioner, since he neither received money from the complainant nor issued any cheque to him. In fact, the cheques,



which were dishonoured, were issued by the Managing Director of the company namely Mr. Sumit Gautam. The entire financial transaction had taken place between the company and the complainant and petitioner was nowhere involved in the matter. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as nature of accusation and clean antecedent, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 Chief Judicial Magistrate, Darbhanga in connection with Complaint Case No. 358 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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