

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25742 of 2016

Arising Out of PS.Case No. -368 Year- 2001 Thana -MUZZFARPUR COMPLAINT CASE District- MUZZAFFARPUR

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1. Jai Prakash Gupta S/o Late Deep Narayan Prasad, Proprietor of M/s Khusboo Vastralaya, Station Road, Khagaria, P.S.- Khagaria (Town), District- Khagaria. Petitioner

Versus

1. The State of Bihar.
2. Sushil Kumar Khetan S/o Sri Sundar Lal Khetan, M/s Pawan Textiles, Bijrajka, Market, Sutapatty, Muzaffarpur, P.S.- Muzaffarpur (Town), District- Muzaffarpur. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sandip Singh
For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 12-07-2016 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under section 406 of the Indian Penal Code filed in the year 2001 being Complaint Case No.368 of 2001.

It is alleged by the complainant that on the assurance of the petitioner, he entrusted clothes worth Rs.16,857/- to the petitioner and on repeated demand of the complainant, the petitioner deposited only a sum of Rs.1000/- and promised to pay the balance amount of Rs.15,857/-. As the money was not paid, the complainant filed the instant complaint against the petitioner.

Learned counsel for the petitioner submits that he has been falsely implicated in this case. The petitioner submits that he has no knowledge about the instant complaint case till he came to

learn about the issuance of process under Section 83 Cr.P.C. He submits that neither any summons nor bailable/ non-bailable warrant has been issued against the petitioner. He further submits that the amount is petty and he is willing to deposit a sum of Rs.10,000/- subject to the result of the complaint case.

This Court ordinarily would not have been inclined to entertain this application as the complaint is of the year 2001, but taking into consideration and willingness of the petitioner to deposit a sum of Rs.10,000/-, I direct that if the petitioner, namely, Jai Prakash Gupta deposits the aforesaid amount within a period of one month from today, he would be released on bail in connection with Complaint Case No.368 of 2001, Trial No.247 of 2016, on furnishing bail bond to the satisfaction of the A.C.J.M. cum Sub Judge, Xth, Muzaffarpur or the Court in seisin of the case.

In the meanwhile, no coercive steps would be taken against the petitioner, Jai Prakash Gupta, for a period of one month from today in connection with Complaint Case No.368 of 2001, Trial No.247 of 2016 pending in the Court of A.C.J.M. cum Sub Judge, Xth, Muzaffarpur.

(Samarendra Pratap Singh, J)

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