

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1922 of 2016

Arising Out of PS.Case No. -465 Year- 2015 Thana -KANKARBAGH District- PATNA

1. Raj Sharma son of Sri Raju Vishwakarma, Resident of Hanuman Nagar,
Behind M.I.G. P.S. Kankarbagh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar

For the Opposite Party/s : Mr. Binod Kumar-III(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-02-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State. Learned counsel for
informant is also present.

The petitioner is apprehending his arrest in connection
with Kankarbagh P.S. Case No. 465 of 2015, registered for
offences punishable under Sections 406, 420/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is merely a person who brought and handed over the
quotation to the informant and negotiated the sale of City Scan
machine, which was purchased from E-Spectrum Medical
Solutions and the Ultra Sound machine which was purchased from
ABETT MED IMAGING, Chennai. The petitioner along with the



above mentioned two companies have been made accused in the present case. The main allegation against the petitioner is that the petitioner has introduced the supplier company, who have given defective machines to the informant. Learned counsel for the petitioner submits that save and except the fact the he has brought the quotations and handed over the same to the informant, the petitioner has no further role to play in the said transaction. It is further submitted that the defective machines were not supplied by the petitioner rather the negotiations were done directly between the informant and concerned companies.

Learned counsel appearing on behalf of the informant submits that after purchasing the above said two machines by the Doctor, the same failed to function as per requirements and though, several reminders were issued to the concerned companies for rectification of the same, the company refused to sent any person to rectify and only after much persuasion, some engineers came for rectification of the machine but the same failed to perform and finally the City Scan machine came to a grinding halt. He further submits that oflate, one person, namely, Pawan Bhasin of E-Spectrum Medical Solutions has offered to take back the machines after deducting 10% of the cost paid by the informant.

Considering the entire facts and circumstances, nature of

allegation and that the petitioner has had a limited role to play in the transaction took place between the informant and the above said two companies and also he having no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Kohiprochali Anjali, J.M. 1st, Patna in connection with Kankarbagh P.S. Case No. 465 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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