

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34088 of 2017

Arising Out of PS.Case No. -30374 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Devendra Swaran @ Devendra Kumar @ Devendra Sawarn, son of Sri Ram Bali, resident of Cambrian Convent, Bahadurpur Housing Colony, P.S. Agamkuan, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Uday Kumar Srivastava, son of late Alakhnandan Srivastava, Managing Director, Patna Books World Private Limited, Thakurbari Road, Kadamkuan, P.S. Kadamkuan, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 30374(C) of 2014 instituted for the offence under Sections 406 and 420 of the Indian Penal Code.

It has been submitted that occurrence is said to have taken place in the year 2009 and complaint petition has been filed in the year 2014. The instant case has been filed by the complainant alleging therein that he has supplied books to the petitioner worth Rs.75,786/- and payment was not made by the petitioner in spite of legal notice sent to him. It has further been submitted that the instant case has been filed in the garb of civil



dispute and civil remedy is available to the petitioner to redress his grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 30374(C) of 2014, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Madhvi Singh, Judicial Magistrate, 1st Class, Patna, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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