

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10816 of 2017

Arising Out of PS.Case No. -1181 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

=====

Khurshid Azhar @ Md.moktar Alam @ Azhar Ali aged about 58Years, S/o Late Abdul Jabbar, Proprietor of Noble Refrigeration & Co, S.P. Verma Road, Police Station- Gandhi Maidan , District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mina Devi, W/o Mithlesh Prasad, Resident of Gurakh, P.S.- Gurakh, District- Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Anshuman

For the Opposite Party/s : Mr. S.M. Rahman

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-03-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 1181 of 2013 registered under Section 406 of the Indian Penal Code.

The complainant alleged that she gave a cheque of Rs. 2,01,240/- for providing machine for manufacturing ice-cream, but the complainant did not receive machine and the petitioner did not return the money.

Learned counsel for the petitioner submits that the petitioner did not receive any money from the complainant and the Punjab National Bank credited Rs. 2,01,240/-in the account of the



petitioner and in lieu thereof, the petitioner handed over a ice-cream machine to the complainant. The complainant gave receipt of the same.

The case is of the year 2010, but the complaint petition was filed in the year 2013 after lapse of more than three years. The fact is that there is a business transaction between the two sides and the petitioner is claiming that he has already handed over machine to the complainant.

Considering the facts aforesaid, 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, is directed to 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 the ACJM-VII, Gaya in connection with Complaint Case No. 1181 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Prabhat Kumar Jha, J)

BTiwary/-

U		T	
---	--	---	--

