

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49079 of 2017

Arising Out of PS.Case No. -409 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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Raj Kumar Bhagat S/o Gulten Bhagat, R/o Village- Sagar, Chowk,
Narpatganj, P.S.- Narpatganj, District- Araria, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samar Goel S/o Shri Shambhu Goel, R/o Ward No.11, D.D. Road,
Forbesganj , P.S.- Forbesganj, District- Araria, Bihar, Pin-854318.

.... Opposite Party/s

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Appearance :

For the Petitioner	: Mr. Kumar Ravish, Advocate. Mr. Sanjay Kumar Sharma, Advocate. Mr. Kashyap Kaushal, Advocate.
For the Opposite Party/s	: Mr. Sanjay Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-10-2017 Heard both sides.

The petitioner apprehends his arrest in Forbesganj
P.S. Case No. 409 of 2017 registered for the offences punishable
under Sections 406 and 420 of the Indian Penal Code.

The petitioner is the dealer of the informant's
company and he is alleged to have took articles worth Rs.
3,03,981/-, but the petitioner did not return the amount. The
cheques given by the petitioner were also dishonored.

Learned counsel for the petitioner submits that the
company supplied sub-standard material and there is dispute with
regard to payment of price. The cheques given by the petitioner as



security were presented, which were bounced, but the informant did not lodge case under Section 138 of the Negotiable Instrument Act. No offence under Sections 406 and 420 of the Indian Penal Code is made out. On the face of the allegation, it is a case of dispute between the dealer and the company for payment of price.

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 learned Chief Judicial Magistrate, Araria in Forbesganj P.S. Case No. 409 of 2017, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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