

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58646 of 2017

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Md. Eqwal Khan @ Md. Eqbal Khan, son of Md. Anwar Hussain, resident of Mohalla-Chandrawara, P.S. Muzaffarpur Town, District-Muzaffarpur, at present Proprietor, Samsung Service Centre, Maa Kalika Complex, Bhole Talkies Chowk, P.S. Samastipur Town, District-Samastipur.

.... Petitioner.

Versus

1. The State of Bihar.
2. Anil Kumar alias Amit Kumar, son of Chandeshwar Rai, resident of Mohalla-Station Road, P.S. Town, District-Samastipur.

.... Opposite Parties.

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Appearance :

For the Petitioner : M/s. Anshu Dhar Sharma and Mukesh Kumar,
Advocates.

For the State : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with C.R. Case No.1572 of 2016 registered under Sections 420, 323 and 504 of the Indian Penal Code.

The accusation is that the complainant/opposite party no.2 purchased the mobile of Samsung Company on payment of Rs.32000/- on 13.02.2016, the warranty period of which was one year. After three months of purchasing of the mobile, the mobile was not functioning properly. Thereafter, the mobile was handed over to the repair shop of the petitioner but the petitioner did not repair the mobile giving assurance to remove the defect, while Rs.7500/ was paid by the complainant/opposite party no.2 for repairing of the mobile to the



petitioner. On 09.09.2016, when the complainant/opposite party no.2 met the petitioner then he was abused.

Learned counsel for the petitioner submits that, in fact, the complainant/opposite party no.2 had filed Case No.67 of 2017 before the District Consumer Dispute Redressal Forum, Samastipur, against the petitioner and the Samsung Company, where on hearing the parties, the order was passed for payment of Rs.32000/- with interest at the rate of 8% per annum. Accordingly, the Samsung Company paid Rs.37157/- to the complainant/opposite party no.2, which would appear from Annexure-2 series to this application.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Samastipur, in connection with C.R. Case No.1572 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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