

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36662 of 2018

Arising Out of PS. Case No.-3086 Year-2016 Thana- PATNA COMPLAINT CASE District- Patna

Om Jaiswal @ Om Prakash Choudhary S/o Late Jagat Narayan Choudhary,
R/o Gandhi Chowk, P.S.- Hajipur, District- Vaishali (At Hajipur).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar S/o Late Jawahar Lal, Power Attorney Holder of M/s Sajjan Textiles Suraj Bhawan, Back of Old Natraj Hotel, Ashok Raj Path, P.S.- Purbahore, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navesh Nandan

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 29-06-2018

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Complaint Case No. 3086 (C)/2016 in which cognizance has been taken under Sections 406 & 420 of the of the Indian Penal Code.

In the present case, an allegation has been made that there is a business relationship between the petitioner and the Complainant. The Complainant is a whole-seller and the petitioner is a retail seller. The Complainant had supplied clothes worth of Rs. 4,01,599/- to the petitioner and certain amount was paid to him and, thereafter, no payment has been made.



The plea has been taken by the petitioner that he is neither the owner of the shop nor he has made any transaction with the Complainant-firm, only for the purpose of putting pressure, this case has been lodged against him.

This matter relates to commercial dispute and cannot be given a color of criminal case.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Om Jaiswal @ Om Prakash Choudhary, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released 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 Sub-Judge IX-cum- A.C.J.M., Patna in connection with Complaint Case No. 3086(C)/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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