

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40062 of 2018

Arising Out of Case No. -278 Year- 2017 PATNA COMPLAINT CASE District- PATNA

=====

1. Md. Syed Murtaza Haider S/o Late Ulfat Hussain, resident of Mohalla-
'Rinsha Marvel and Tiles' H.M. Plaza Market, Kathak Tal, Shershak Road,
P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abhishek Kumar S/o Late Kallu Saw Propertied M/s Kumar Seramik
Purani Talab, Panti Tanki Lane, Purmuhani, P.S. Gandhi Maidan, District-
Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mr. Yogendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 12-07-2018

Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 278(C) of 2017 for the offences punishable under
Section 406 of the Indian Penal Code.

The complainant alleged that he deals in wholesale
in Marbles and sanitary tiles. The petitioner is retailer. The
petitioner used to purchase sanitary tiles from the wholesale shop
of the complainant but Rs. 2,44,997/- is still lying due against the
petitioner and petitioner is denying to make payment of the dues.

The learned counsel for the petitioner submits that
the complainant has given legal notice to the petitioner. Petitioner



in his reply to the notice annexed the copy of the diary which shows that only Rs. 5,000/- and odd was lying due against the petitioner till 19.11.2016. No further dues are lying against the petitioner.

On the other hand, learned counsel for the complainant as well as learned APP opposed the prayer for anticipatory bail. The complainant also filed counter affidavit annexing the bills of dues. It is submitted that in the diary only purchase of sanitary items and payment is mentioned but the petitioner purchased tiles worth Rs. 2,44,997/- and he did not make any payment. The entire amount is lying due.

It appears that the petitioner is on business terms with the complainant and he used to take sanitary items and tiles on credit but dispute is with regard to rendition of accounts. The petitioner claims that he made all payment where as the complainant claims that the amount of Rs. 2,44,997/- is still due against the petitioner for which he purchased tiles.

Taking into consideration the facts that the dispute is purely of civil nature arising out of business transactions, the petitioner above named in the event of his arrest or surrender before the learned 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 Additional Chief Judicial Magistrate-VI, Patna, in connection with Complaint Case No. 278(C) of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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

