

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60409 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- KHAJANCHI HAT District- Purnia

1. Amit Kumar @ Amit Kumar Shukla @ Amit Shukla, S/o Jitendra Nath Shukla,
2. Anurag Pandey @ Anurag Pande S/o Mahendra Pandey @ Mahendra Pande,
3. Nikhil Sonwane s/o Lanman Bhagaje Sonwane,
4. Vishal Agrawal S/o Rmesh Chandra Agrawal,

All resident of RC Plasto Tank and Pipe Pvt. Limited Plot No. D2/A, Higna, M.I.G.C, Industrial Area, P.S.- Higna, District- Nagpur (Maharashtra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 11-12-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with K. Hat (Sahayak) P.S. Case No.239 of 2017 registered under Sections 406 and 420/34 of the Indian Penal Code.

The allegation in the first information report is that the informant being the proprietor of Seemanchal Traders Firm situated at Purnea having agency of RC Plasto Tank and Pipe



Pvt. Limited had paid rupees six lacs to petitioner no.1, Amit Kumar, Executive Sales Manager of RC Plasto Tank and Pipe Private Limited on 01.02.2017 for supply of Pipe, Tank, Solvent etc. but the goods were never supplied to him.

The contention of the petitioners is that there was an agreement in between the parties wherein there is specific clause that all the disputes shall be raised in the jurisdiction of Maharashtra and as such the instant case is not maintainable. The further contention of the petitioners is that the amount has been deposited on 02.02.2017 and on 15.02.2017 itself all the goods were delivered through vehicle no.CG08Y-7166 and the same has already been received by the informant and consequent thereupon a compromise has also arrived at between the parties.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Regard being had to the nature of dispute between the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in



connection with K. Hat (Sahayak) P.S. Case No.239 of 2017
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md. S/-

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