

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31957 of 2019

Arising Out of PS. Case No.-1168 Year-2018 Thana- PURNIA COMPLAINT CASE District-
Purnia

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SARMAD HOSSAIN @ MD. SARMAD HUSSAIN Son of Haji Gyasuddin
Resident of Madarghat, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sayeed Ansari Son of Late Md. Nazam Resident of Village- Jianganj,
P.S.- Kasba, District- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 05-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1168 of 2018 registered for offences punishable under Sections 406, 420 of the Indian Penal Code.

Allegation as per the complaint petition is that he has given Rs.94,000/- to the accused persons for supply of bricks but they have not supplied the bricks and also not ready to return the amount.

Submission of the learned counsel for the petitioner is that as a matter of fact the petitioner entered into this business in the year, 2016, which will appear from Annexure 3 and as such he is not liable to return the amount and moreover there is



no submission in the complaint petition that as to whom the amount has been paid .

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has opposed the prayer for bail on the ground that the receipt of the payment has been annexed by the petitioner himself in the name of the Firm of the petitioner but now they are neither supplying the bricks nor returning the amount..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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