

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40332 of 2019

Arising Out of PS. Case No.-165 Year-2008 Thana- PATNA COMPLAINT CASE District-
Patna

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M/S. KEDAR NATH ARUN KUMAR, THROUGH ITS PROPRIETOR,
ARUN KUMAR SETH (male) aged about 49 Years, S/o Kedare nath Seth,
Resident of main Road mahnar, P.O. and P.S.- mahnar, Dist.- Vaishali, at
present resident of near Shiv Mandir, Sultanpur, P.S.- Mahnar, Dist.- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar
2. Sri Chandrahas Agarwal, Properitor M/s P.G. Textile, 1st. Floor, Kuppepar
Market Sabjibagh, Birla Mandir Road, P.S.- Pirbahore, Dist.- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-09-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in
connection with Complaint Case No.165(C) of 2008 registered
for the offence punishable under Sections 406, 420 and 120B of
the Indian Penal Code.

From perusal of the complaint case, it appears that
complainant has whole sale shop of clothes and petitioner used
to take clothes from the shop of the complainant and there was
good relation between them. Thereafter on trust, the petitioner
demanded clothes from the complainant for sale, but the



complainant refused to give the clothes. On the request of the petitioner, the complainant gave clothes of Rs.58,559 and petitioner paid Rs.35,000/- and rest amount of Rs.23,459 was not returned by the petitioner.

It is submitted on behalf of the petitioner that the petitioner has not committed any offence at all. In fact, there is land dispute between the parties as a result of which, this petitioner, has falsely been implicated in this case. There is no cheat of paper in support of the allegation made by the complainant. Petitioner has got no criminal antecedent.

Considering the facts aforesaid, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-cum-Sub Judge-XI, Patna/successor Court in connection with Patna Complaint Case No.165 (C) of 2008, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to



cancel the bail bonds of the petitioner.

(Prabhat Kumar Singh, J)

B.Kr./-

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