

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18491 of 2018

Arising Out of PS. Case No.-3005 Year-2011 Thana- PATNA COMPLAINT CASE District-
Patna

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Annapurna Thakur, W/o late Arun Jha, Proprietor of Space Interior, 107, Kulharia Complex, Ashok Rajpath, P.S.- Pirbahore, in town and District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Kumar, S/o Shri Krishnadeo Singh, R/o Mohalla- Kadam Kuan, Budha Murti, Kumar Bhawan, P.S.- Kadam Kuan, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Sharma, Advocate.
For the Opposite Party/s : Mr.Sri Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 01-02-2019 Heard learned counsel for the petitioner, learned counsel for the complainant-opposite party no. 2 and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 3005(C) of 2011 registered under Sections 406 and 323 of the Indian Penal Code, pending in the court of J.M. Ist Class, Patna.

The accusation is that complainant, Manoj Kumar, approached to the petitioner, who is running the shop in the name of Space Interior, Kulharia Complex, Ashok Rajpath for interior decoration of Kitchen and Dining room. After detailing the estimate by the petitioner, the complainant handed over the



cheque of Rs.1,00,000/- on 18.05.2011, which was received by her staff, Ajay Kumar, with assurance that interior decoration of kitchen and dining room will be completed within 40 days. Thereafter, petitioner started some work of interior decoration then he found that quality of materials is below standard and finishing is not working properly. The petitioner assured to complete the work with trend technicians but in spite of passing over six months, the decoration was not completed. On 14.10.2011, when the complainant reached at the shop of petitioner to make complaint then petitioner along with two other staffs started to abuse him.

Learned counsel for the petitioner submits that, in fact, petitioner is the shopkeeper of interior decoration and after handing over the cheque of Rs.1,00,000/- by the complainant, the petitioner supplied the materials on three occasions worth of Rs.1,17,900/-, thereafter when the petitioner made demand of remaining amount then the present complaint case has been lodged with ulterior motive.

On the other hand, learned counsel for the complainant-opposite party no.2 submits that, in fact, petitioner is not only the shopkeeper of the materials of interior decoration but he is also doing the contract work for interior decoration and



petitioner had assured to complete the interior decoration work with good materials on taking Rs.1,00,000/-.

Having regard to the facts and circumstances of the case, let the provisional bail granted to the petitioner vide 06.04.2018 is hereby confirmed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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