

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13821 of 2020

Arising Out of PS. Case No.-1151 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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NAND TIWARI @ NANDJEE TIWARI @ NANDJEE, age 48 years,
Gender-Male, Son of Late Sri Kishun Tiwari, R/O - Mohalla Asad Nagar
Batraul, P.S.- Lalganj, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Vishnu Kumar, Son of Sri Sabarmal Agrawal, R/O- Mohalla - Modi Market,
Sutapatti, P.S.- Town, District- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mrs.Babita Kumari, Advocate.
For the State	:	Mr.Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-06-2020 Due to COVID-19 Pandemic, the matter is being

taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 406, 420, 504 and 506 of
the IPC.

The prosecution story, in brief, is that the complainant
runs a whole sale business of clothes and the petitioner used to
purchase clothes on credit and make payment in instalments. It



is further alleged that the petitioner took clothes on credit on different dates total amounting to Rs. 6,90,590/- and paid Rs. 4,000/- only with a promise to pay the entire amount in instalments in the end of year 2016 after selling the clothes. After due date, the complainant asked the petitioner to pay the above priced of clothes but he started evading and did not pay the price. On 13.03.2018, a legal notice was also sent to the petitioner but he did not pay any heed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case by way of complaint case. From perusal of complaint case, it appears that there was some dispute in respect of business transaction and for the said reason, the present complaint case has been filed. The matter relates to civil dispute.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event



of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned J.M. Ist Class, Muzaffarpur, in connection with Complaint Case No., 1151 of 2018, bearing Tr. No. 2069 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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