

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34781 of 2020

Arising Out of PS. Case No.-1643 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. ANIMESH ANKUR son of Anil Kumar Sinha Resident of 18, Shivajee Path, Rajputana, Yarpur, P.S.- Gardanibagh, District- Patna.
 2. Amrita Kumari daughter of Late Amit Kumar Choudhary Resident of Bari Patan Devi, Patna City, P.S.- Alamganj, District- Patna

... .. Petitioners

Versus

1. The State of Bihar
2. Pratibha Kumari, daughter of Sri Shiva Shankar Prasad, presently residing at C/o Uma Shankar Prasad, L.I.G. 30, Housing Board Company, Bhagalpur, permanent address- Bharko, Post – Bharko, P.S. - Banka, District – Banka.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr.Sanjiv Sharan, Adv.
For the Opposite Party/s	:	Mr.APP
For the Complainant	:	Mr. Ajay Mukherjee, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners and Mr. Ajay Mukherjee, learned counsel for complainant / opposite party no. 2. The state is represented by learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1643 of 2016 in which cognizance has been taken under Sections 406 and 420 of the Indian Penal Code.



According to the allegation in the complaint petition as also in the solemn affirmation of the complainant / opposite party no. 2, the petitioners were required to handover 251 G.P.S devices against an amount of Rs. Twenty Lakhs but only 80 G.P.S. devices were supplied to her. After several reminders, the balance G.P.S. devices were supplied to the complainant / opposite party no. 2.

The allegation, therefore, is limited to the extent that the essence of contract regarding time was not properly followed by the petitioners and that they have yet not returned the commission amount of Rs. 11,80,679.50.

The petitioners are ready to settle the differences with opposite party no. 2. If the dispute is settled the parties would also consider it desirable to have the case wound up.

Considering the nature of accusation against the petitioners and the desire of the petitioners to settle the business differences with complainant / opposite party no. 2, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy



of this order, on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of learned Additional Chief
Judicial Magistrate- IV, Bhagalpur, in connection with
Complaint Case No. 1643 of 2016, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Ashutosh Kumar, J)

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