

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40619 of 2020

Arising Out of PS. Case No.-309 Year-2012 Thana- SIWAN CITY District- Siwan

Saroj Kumar, son of Bashishta Narayan Singh @ Vashishtha Singh, resident of Village- English Ward No. 5 north of block office, P.S.- Lakhisarai, District- Lakhisarai and he is Proprietor of S.V. Traders, at - Purani Bazar, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-12-2021 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 471, 472, 34 of the Indian Penal Code.



It is alleged that the informant contacted with the accused persons including the petitioner for purchase of 15 KV generator and given Rs. 1,80,000/- through demand draft and Rs. 50,000/- to the staff of the petitioner but instead of 15 KV generator, 12 KV generator was delivered. It is further submitted that in spite of several requests, neither generator is exchanged nor money has been returned.

It is submitted by learned counsel for the petitioner that petitioner is proprietor of S.V. Traders and as per contract, he supplied the generator to the informant. Moreover, for a civil nature of dispute, the petitioner cannot be prosecuted in a criminal proceeding. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 10,000/-(Ten Thousands)
with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Siwan in
connection with Siwan Town P.S. Case No. 309 of 2012,
subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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