

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62708 of 2022

Arising Out of PS. Case No.-837 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Jai Kumar Pandya S/O Madanlal Pandya Resident of village- DL- 168,
Sector-2, Salt Lake, Bidhan Nagar (M), District- North 24 Parganas, West
Bengal. (Managing Director, Ushmi Pvt. Ltd.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Pravesh Prasad S/O Late Bhagwat Prasad Verma Resident of village-
Ghatikan, P.O.- Dhanua, P.S.- Shivsagar, District- Rohtas, Proprietor, Maa
Tara Enterprises, Nooranganj, Baulia Road, Sasaram District- Rohtas, Pin
Code- 821115

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 406
and other allied sections of the Indian Penal Code.

As per the complainant, the complainant runs his
business in the name of Maa Tara Enterprises and the
complainant company was having business terms with
Moserbear Electornics Ltd. delhi and used to purchase electrical
goods having guarantee of one to two years and the defective
pieces were taken back by the Moserbear Company. In



December, 2018, the Moserbear Company was dissolved and the business was handed over to the accused company. After 2018 replacement of electronic goods sent to he Moserbear and credit note was sent to the accused company. It is further alleged that total credit note of Rs. 10,56,926/- was not credited. It is further alleged that 9,500 pcs. of LED Bulb and Tubes of amount of Rs. 5,90,000/- lying in the godown of the complainant which the accused have not taken away. It is next alleged that a bank cheque was taken at the time of agreement in the year 2019 and that was misused. There is due amount of Rs. 4,56,556 on the accused company. The accused company cheated the complainant by violating the agreement.

It is submitted that present case is counter blast of the case bearing CS/48572/21 dated 19.07.2021 filed under Section 138 of the NI Act in which summons were issued and after receiving the summons the present complainant appeared before the concerned court for bail which was granted and after that present case has been lodged to create pressure. Moreover, it is a case of dispute of civil nature and no criminal offence is made out. Petitioner claims clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court



below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 2, Rohtas at Sasaram in connection with Complaint Case No. 837 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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