

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63789 of 2023**

Arising Out of PS. Case No.-74 Year-2020 Thana- PATNA COMPLAINT CASE District-  
Patna

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ANIL KUMAR SON OF YUGESHWAR DAS, POPRIETOR OF M/S FAMILY FASHION RESIDENT OF VILLAGE- JIVAN DHARA MARKET, BALIYA CHOWK VAISHALI, MAHAVIR ASTHAN BALLAH ROAD KURJI MUZAFFARPUR, PS- KUDHANI, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. BRAJESH KUMAR SON OF SRI RAM BAHADUR SINGH, POWER OF ATTORNEY HOLDER, M/S JAI AMBEY TEXTILE RESIDENT OF VILLAGE - FOURTH FLOOR, KHETAN SUYPER MARKET, BIRLA MANDIR SABZIBAGH, PS- PIRBAHORE, DISTT- PATNA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Nitu Kumari  
For the Opposite Party/s : Mr.Zainul Abedin

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      18-10-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 74 (C) of 2020 dated 22.02.2020 registered under Sections 420, 406 of the I.P.C.

3. As per the allegation made in the complaint petition one Brajesh Kumar, who is the complainant and power of attorney holder has lodged a complaint on behalf of the owner of Jay Ambey textile namely, Raj Kumar Agarwal alleging therein that the petitioner used to purchase clothes manufactured by Jay Ambey textile firm on deferred payment basis. The



complainant supplied clothes to the petitioner worth Rs. 182041/- out of which the petitioner paid only Rs. 33,500/- and a sum of Rs. 1,48,541/- is still due to be paid by the petitioner to the complainant for which a legal notice was also served upon the petitioner by the complainant but he failed to pay the balance amount.

4. Learned counsel for the petitioner submits that it is true that petitioner was having business relationship with the complainant but due to COVID there was irregular payment on part of the petitioner towards the clothes purchased by him, however, he submits that as per the statement of accounts the petitioner owes only a sum of Rs. 109003/- which the petitioner is willing to pay to the Opposite Party No. 2 / complainant within a period of one year in installments.

5. Having heard learned counsel for the petitioner and the State and taking into consideration the undertaking of the petitioner that he is ready to pay a sum of Rs. 109003/- to the Opposite Party No. 2, I am inclined to grant anticipatory bail to the petitioner subject to the condition that as per his undertaking he would pay the aforesaid amount of Rs. 109003/- to the Opposite Party No. 2 within a period of one year in easy installments.



6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Patna in connection with Patna Complaint Case No. 74(C) of 2020 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that if the petitioner fails to pay the amount in question within the aforesaid period of one year, the Opposite Party No. 2 shall be liberty to take appropriate measures for cancellation of bail of the petitioner in accordance with law.

**(Anil Kumar Sinha, J)**

praful/-

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