

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73430 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Amit Prakash S/O Late Siyaram Sharan Sinha Resident Of K-26, Chitragupta
Nagar, P.O. And Ps.- Patrakar Nagar, Dist. Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Khushbu Kumari W/O Chunchun Kumar A/P-Residing At Gola Road
Jhakhari Mahadev, Dr. R.K. Choubey Road, Danapur, Ps. Rupaspur, Dist.
Patna, Pin Code-801503

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-11-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Vakalatnama is filed on behalf of opposite party

no.2.

3. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

4. The Petitioner is apprehending his arrest in

connection with Complaint Case No. 12 of 2023 dated

17.02.2023 registered for the offences punishable under

Sections 420, 406, 467, 471, 468, 504, 506, 120B/34 of the



Indian Penal Code.

5. As per the prosecution case, an agreement has been signed between complainant's firm namely, Harsh Enterprises & M/s Argus International Trader Ltd. Argus Enterprises has claimed that they have super stockist shop right of Barista Brand which deals in business of coffee and chocolates and the complainant has placed order for the product of Barista Brand and has been paid Rs. 1,83,464 to Argus Enterprises but Argus Enterprises dispatched the expired product. When the complaint was made by the complainant, the director of company has assured that he will send fresh product and thereafter, expired product will be taken back. It is further alleged that the company and its director has cheated and committed fraud with the complainant.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The present case comes only within the purview of civil dispute. The violation of agreement to sell and purchase was between the complainant and the company, not the petitioner. The petitioner has not committed any offence; the misdeeds were committed by the company.

6. Learned A.P.P for the State has opposed the prayer



for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances as well as submissions of the parties, let the above named petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, be released on anticipatory bail on furnishing bail bonds of Rs 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st class, Danapur in Complaint Case No. 12 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

N.K/-

(Chandra Prakash Singh, J)

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