

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13072 of 2024

Arising Out of PS. Case No.-5038 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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NARENDRA KUMAR @ GABBAR S/O MUNNA RAY @ SUSHIL RAY
PROPRIETOR M/S SWEETY FOOTWEAR AND HARDWARE
RESIDENT OF VILLAGE- NAYA TOLA, SAGUNA NADI PAR, P.S-
DANAPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHAILESH KUMAR SALES EXECUTIVE, JOHNSON PAINTS CO.
THROUGH SON OF BRAHMANAND SINGH OFFICE SITUATED AT
11-A, ASHOKA PLACE, EXHIBITION ROAD, P.S- GANDHI MAIDAN,
DISTT AND TOWN- PATNA, PIN- 800001.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sanjeev Nirala, Advocate
For the State	:	Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case in which cognizance has been taken under Section 406 of the Indian Penal Code.

3. As per prosecution case, complainant is Sales Executive of Johnson Paints. It is alleged that this petitioner placed orders of goods from the complainant and accordingly he supplied the same but dues amounting to Rs. 12,59,004/- is to be paid by the petitioner.



4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner is a small shopkeeper and deals in footwear and hardware and has paid the entire amount to the bank account of the complainant and some by cash, which were not deposited in the Johnson Paints Office. It is next submitted that the complaint itself depicts commercial transactions between the parties, for which the complainant has got alternative remedies and for which no criminal liability can be fastened upon this petitioner. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of dispute and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned J.M. First Class, Patna, in connection with Complaint Case No.5038 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Prabhat Kumar Singh, J)

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