

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44638 of 2024

Arising Out of PS. Case No.-10043 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

Pragati Kumar @ Pragati Yadav S/O Sri Krishna Murari Yadav R/O Golghar
Park Road,P.S.-Gandhi Maidan,Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the Complainant	:	Mr. Santosh Kumar / Mr. Prem Ranjan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 420, 406, 409,
504, 506 of the Indian Penal Code.

3. As per complaint case, on the assurance of
petitioner, the complainant paid Rs. 5 lacs to the petitioner for
purchase of e-auto rickshaw. The petitioner delivered six electric
vehicles to the complainant, but all were found defective and
when the complainant tried to exchange the same, the petitioner
refused to do so.

4. Learned counsel for the petitioner submits that
complainant has suppressed this fact that for the same cause of
action, he has already filed a complaint, vide Complaint No. 208
of 2021 before the District Consumer Redressal Forum, Patna,



which is presently pending and this petitioner upon notice has already appeared in the said case. Learned counsel further submits that the issue, involved in the present case, is purely of civil nature, for which, complainant has already filed a complaint before the District Consumer Redressal Forum, Patna and only to put pressure on petitioner, criminal hue has been lent to a civil natured issue. Petitioner claims clean antecedent.

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

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight 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 Judicial Magistrate 1st Class, Patna in connection with Complaint Case No. 10043(C) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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