

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62687 of 2023

Arising Out of PS. Case No.-4076 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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ANIL KUMAR SON OF YUGESHWAR DAS RESIDENT OF VILLAGE-
JIVAN DHARA MARKET, BALIYA CHOWK, VAISHALI, MAHAVIR
ASTHAN BALLAH ROAD KURJI MUZAFFARPUR, P.S- KUDHANI,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. BRAJESH KUMAR SON OF SRI RAM BAHADUR SINGH POWER OF
ATTORNEY HOLDER, M/S SURBHI, GROUND FLOOR- 122/125
KHETAN SUPER MARKET, PATNA, AT/ PRESENT (NOW) JAI AMBEY
TEXTILE FOURTH FLOOR, KHETAN SUPER MARKET, SHOP NO. 107
BIRLA MANDIR SABZIBAGH PS- PIRBAHORE, DIST- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Ms.Nitu Kumari, Adv.
For the Opposite Party/s :	Mr.Zainul Abedin, APP.
	Mr. Lokesh Kumar, Adv.
	Mr. Mohit Agarwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 406 of the Indian Penal Code.

3(i). As per the FIR, the petitioner used to purchase cloths from M/s Surbhi firm and make part payment due to firm faith between both the parties. It is further alleged that on the last occasion, the complainant supplied clothes to the tune of Rs. 1,80,758/-, out of which, the petitioner paid only 30,000/- to the



complainant and the rest amount i.e. 1,50,750 is still due.

3(ii). It is further alleged that due to some reason, M/s Surbhi Textiles firm was closed and its clothes and accounts have been merged in Jai Ambey Textile.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He had not purchased cloths from the M/s Surbhi firm rather the cloths had been purchased only from the firm of Jay Ambey textile to the tune of Rs. 1,72,503/- out of which, he paid Rs. 63,500/- through cheque of State of India and also paid 3,500/- cash. It is further submitted that petitioner is ready to pay the rest amount i.e. Rs. 1,09,003/- (Rupees One Lacs Nine Thousand Three) to the complainant in installments. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the petitioner is ready to return the rest amount i.e. Rs.



1,09,003/- in installments, let the above named petitioner, be released on **provisional bail** for a period of six months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 4076(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. After full and final payment of Rs. 1,09,003/- (One Lacs Nine Thousand Three Rupees) to the complainant, the provisional bail of the petitioner will be confirmed by the learned Court below.

(Anjani Kumar Sharan, J)

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