

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44209 of 2014

Arising Out of PS.Case No. -851 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Vivekanand Pandey @ Vivek Pandey son of late Brij Kishore Pandey resident of 62/2/1 Adityapur - 1, Road no. 15, Saraikela Khardema, (Jharkhand) at present holding the post of Managing Director Apna Basera, Dream Heaven Homes Pvt. Ltd., having its Corporate Office at 2, Amritkunj, C.H. Area, Bisotpur, P.S. Bisotpur, Jamshedpur, District East Singhbhum having its Branch Office at Jayaswal Compund, Near Pani Tanki Chouk, besides SBI Zonal Office, Club Road Mithanpura, Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Irfan Alam son of Md. Rashid Ansari resident of village Mahdahya Masjid, P.S. Sahebganj, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 29-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 323, 406, 379 of the Indian Penal Code.

The complainant alleged that he entered into an agreement with the petitioner for construction of a building. The complainant undertook construction work of the building, dug the earth but the petitioner did not make payment and about Rs. 4,50,000/- is lying due against the petitioner. Learned counsel for the petitioner submits that the complainant did not start construction work within the prescribed time, therefore, his work

order had been cancelled vide letter dated 26.03.2014 (Annexure 7). The petitioner has already made payment for the work done by the complainant.

On the other hand, learned counsel for the complainant submits that he did substantial work and Rs. 4,50,000/- is still lying due against the petitioner.

There appears that the dispute is with regard to payment of the work done by the complainant which the petitioner is disputing. Such dispute cannot be resolved in a criminal proceeding.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to 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 the learned Chief Judicial Magistrate, Muzaffarpur in Complaint Case No. 851/2014, corresponding to T.R. No. 1725/14, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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