

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 21860 of 2016

=====

Bhola Choudhary son of Bundi Choudhary, Resident of village- Lachhipur
@ Lachmipur, P.S.- Mufasil, District- Nawada

=====

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh
For the Opposite Party/s : Mr. Abhay Kumar Roy(App)

=====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

2 23-05-2016

Having heard learned counsel for the petitioner, this Court is surprised at the order passed by the learned Additional Sessions Judge IV, Nawada rejecting the prayer for bail in anticipation of arrest of the petitioner.

Petitioner is a contractor and, as per prosecution, it is alleged that he had taken some money for constructing the house of the informant for which informant advanced him some money. Some work was carried out but, thereafter allegedly, the contractor is not ready to complete the work. Hence, case under Sections 420, 406 etc of Indian Penal Code.

The learned Sessions Court itself has noticed that the dispute is with regard to certain payments in terms of agreement. If that be so, then it is a case of pure civil dispute being a mere

breach of contract. The criminal prosecution, prima facie, is itself an abuse of process of law.

Be that as it may, in the event of his arrest or surrender within a period of four weeks from today, the petitioner abovenamed shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in Nawada (Sadar) PS Case No 123 of 2016 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

Let this order be placed before the learned Sessions Judge IV, Nawada for his perusal.

(Navaniti Prasad Singh, J)

M.E.H./-

U		T	
---	--	---	--