

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59866 of 2017

Arising Out of PS. Case No.-154 Year-2017 Thana- SAHPUR District- Bhojpur

Vijay Narayan Tiwari @ Vijay Tiwary, S/o- Awadhesh Tiwari, Resident of
Village- Barisavan, P.S.- Sahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra kumar, Adv.

For the Opposite Party/s : Mr. J. N. thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406/420/120B of the Indian Penal Code.

The prosecution case got initiated with the filing of the Complaint Case No.516C of 2017 which ultimately got transmitted under Section 156(3) of the Cr.P.C. to the police leading to registration of Sahpur P.S. Case No. 154/2017. As per the prosecution case the informant gave Rs.60,000/- for supply of the bricks to the accused persons on 21.12.2012 and subsequently Rs. 45000/-for further supply of the bricks , but neither the bricks were supplied nor the money was returned in spite of giving legal notice. The petitioner is one of the partners of brick-kilns.



It is submitted by learned counsel for the petitioner that there is no proof with regard to payment and even assuming the accusation no offence is made out against the petitioner. It is simply a breach of the contract and considering the same the co-accused Birendra Tiwari and Lalbabu Tiwari have been granted pre-arrest bail vide Cr. Misc. No. 48395 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation arising out of contractual nature of dispute, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and that the co-accused have been granted anticipatory bail, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XIV, Ara, in connection with Sahpur P.S. Case No.154/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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