

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17040 of 2017

Arising Out of PS.Case No. -1726 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Anil Kumar Pansari, Son of Late Chhajan Lal Pansari, Resident of Mohalla-
Sinkandarpur, P.S.- Nagar, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Arun Kumar Thakur, Son of Late Debki Nandan Thakur, Resident of
Mohalla- Shankar Lane, Ramna, P.S.- Mithanpura, District-
Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Narsingh Tanti

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-05-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case no. 1726 of 2014, registered under Sections 323, 406
and 420 of the Indian Penal Code.

The allegation of complainant Arun Kumar Thakur is that
for construction of building of two schools, he entered into agreement
with the petitioner and one Madhu Pansari and handed over Rs. 45
lakhs, but the work was not completed in time due to which he
suffered loss. At that time his friend Hira Kumar Jha also entered into
agreement for construction of the school building with the petitioner
and Madhu Pansari and he also handed over Rs. 23,10,000/-, but only
work of Rs. Five Lakhs was done. Thereafter, Complaint Case No. 28



of 2014 and 66 of 2014 were filed before Consumer Forum, Muzaffarpur in which the petitioner and his associate Madhu Pansari received notice and both talked to the complainant on mobile to settle the dispute. Thereafter, on 04.07.2014, complainant and his associate Hira Kumar Jha went to the house of petitioner, where petitioner and his associate asked to withdraw the case. On protest, at the instance of the petitioner, his associate Madhu Pansari and 7-8 unknown got the signature of the complainant on a blank stamp paper on the point of pistol.

Learned counsel for the petitioner submits that, in fact, there was agreement in between the petitioner and the complainant for construction of the school building in which there was specific clause that if any dispute is arises as to the final payment for relating to the work done, the dispute will be referred to the sole arbitrator, namely, Architeet Sri Bipul Kumar, Sri Amitabh Chandra and the decision of the arbitrator will be binding upon the parties to the agreement. But with ulterior motive only to give undue pressure the present case has been lodged by the complainant. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 Chief Judicial Magistrate, Muzaffarpur in connection with
Complaint Case No. 1726 of 2014, subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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