

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30243 of 2018

Arising Out of PS.Case No. -1050 Year- 2017 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Jitendra Singh @ Jitendra Prasad, son of late Chandrika Singh, Proprietor
CBSE Public School, Chainpatti, P.S. & District- Gopalganj, resident of
village- Khorampur, P.S.- Mohammadpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Shankar Sharma, son of late Dhodha Sharma, resident of village-
Basdila Tola, P.S. & District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
For the State : Mr. Nityanand Tiwary, APP
For the Opposite Party No.2 : Mr. Ranjan Kumar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner and the State
as well as counsel for the Opposite Party No.2.

The petitioner apprehends his arrest in **Complaint**
Case No.1050 of 2017 instituted for the offence under Sections
406, 420, 504 and 506 of the Indian Penal Code.

The prosecution case as per complaint petition is that
complainant was offered work by the petitioner for construction of
gate and grill @ of Rs.70 per Kg. including price of the material.
It is alleged that the complainant supplied 49 quintals 80.5 Kg. of
gate, grill and other materials including labour charges, value of
which, comes to Rs.4,64,407/-. It is further alleged that petitioner



has paid only Rs.3,03,000/- and the balance amount of Rs.1,61,407/- has not been paid by him.

Counsel for the petitioner has enclosed Annexures-2 and 2A to the bail application stating that in fact, advance money was paid to the complainant by the petitioner and after adjustment of the amount, there is no due against the petitioner.

This Court after looking into the allegation in the written report and submission of the petitioner finds that there is money dispute between the parties. The civil remedy is available to the complainant to redress his grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No.1050 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Gopalganj**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the



court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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