

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59576 of 2019

Arising Out of PS. Case No.-285 Year-2017 Thana- BARAUNI District- Begusarai

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1. DHARMESH ASWASTHI @ DHARMESH CHANDRA AWASTHI Son of Late Sheo Shankar Awashti Resident of ACPL Global Pvt. Ltd. MIG -23, Indra Nagar, P.S.- Kalyanpur, Distt - Kanpur (U.P)
 2. Anuj Awasthi Son of Dharmesh Awasthi @ Dharmesh Chandra Awasthi Resident of ACPL Global Pvt. Ltd. MIG -23, Indra Nagar, P.S.- Kalyanpur, Distt - Kanpur (U.P)

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Sarvan Kumar, Advocate.

For the State : Mr. Sanjay Kumar, A.P.P

For the complainant/ informant : Mr. Sanjay Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the complainant/informant.

The petitioners apprehend their arrest in connection with Barauni P.S. Case No.285 of 2017 registered under Sections 406, 420, 506 and 120(B)/34 of the Indian Penal Code.

The accusation is that both the petitioners being the Director and Manager respectively of A.C.P.L. Global Private Limited approached the complainant/informant to do the work of soil testing and boring as petty contractor, giving allurements



to earn much money and fixed the rate for the same and assured the complainant/informant to make payment of the bill just after completion of the work. Thereafter, in the month of July, 2014 the complainant/informant sent the proposal to the petitioners for doing the work. From the month of August, 2014 to June, 2015, he completed the said work at different places at Kharagpur, Tarapur, Jhajha and Chakai under the guidelines of A.C.P.L. Global Private Limited company of the petitioners from his own costs and in that course, the petitioners made payment of Rs.2,04,000/- by depositing in the account of the complainant/informant at H.D.F.C.Bank,Beugsarai. Thereafter, the complainant/informant sent the remaining bills to the petitioner for making payment through E-Mail but the bill of the complainant/informant was not cleared by the petitioners. On 05.03.2017, when the complainant/ informant asked the petitioners for making payment of the remaining bills on phone, then he was abused by the petitioners. Lastly, on 16.04.2017, the petitioners refused to clear the bill of the complainant /informant .

Learned counsel for the petitioners submits that, in fact, the work done by the complainant/informant under the supervision of the company of the petitioners was not found up-



to the mark by the Government Department, due to that reason, the petitioners engaged another contractor and the said remaining work was completed. Moreover, the dispute is of civil in nature.

On the other hand, learned counsel for the informant submits that the work done by the complainant/informant under the supervision of the company of the petitioners was found satisfactory by the Junior Engineers of the Government Department.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Barauni P.S. Case No.285 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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