

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14329 of 2019

Arising Out of PS. Case No.-822 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ashok Kumar @ Ashok Singh Son of Sri Anirudh Prasad Resident of - 168, C.D.A Colony , L.B.S. Nagar, P.S.- Lal Bahadur Shastri Nagar, Distt - Patna.
 2. Birendra Kumar Jha Son of Late Gunanand Jha Resident of - Barail, Teghara, P.S.- Babubarahi, Distt - Madhubani.
 3. Amritpal Singh Chadha Son of Sardar Singh Chadha Resident of - Jaya Plaza, Clear view building, C - 1/B, Old Colony, Gurgaon, P.S.- Gurgaon, District – Gurgaon, Haryana

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajay Kumar Agarawal Son of Late Narayan Lal Agrawal, Proprietor of Steelco Infrastructure Regd. Office - 121 Jamuna Apartment, Boring road, Patna as well as the proprietor of ASP Enterprises, presently at 12B, Satyam Apartment, Kavi Raman Path, Nageshwar Colony, P.O. - G.P.O. Pin Code - 800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 17-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in **Complaint Case No. 822C of 2018**, registered for the offence punishable under Section 406 and other sections of the Indian Penal Code.

The complainant is the proprietor of Steelco Infrastructure and A.S.P Enterprises. This firm got work order for shifting H.T.L.T line and D/S/s in 11 KV P.G. Feeder. It is



further alleged that the complainant after completing the work, submitted his bills along with other relevant documents to the petitioner for a total sum of Rs. 1,93,94,390/-, out of which Rs. 76,95,298 has been paid and rest amount Rs. 1,16,99,092/- was due upon the petitioners. The complainant got another work order. After completion of said work, the complainant raised a bill of Rs. 78,81,750/-, out of which 40,00,000/- was paid to the complainant. Thus, total Rs. 1,55,80,842/- was dues, but the petitioners did not pay the dues amount to the complainant.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. The matter is purely civil in nature arising out of financial transaction in between the parties. It is further submitted that no offence under Section 406 of Indian Penal Code is made out. Petitioners have got clean antecedent.

Counsel for the Opposite party vehemently opposed the prayer for bail.

Considering the facts aforesaid and the fact that the matter is purely civil in nature, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of **eight** weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Sub-Judge XVI-cum- Additional Chief Judicial Magistrate, Patna** in connection with **Complaint Case No. 822(C) of 2018**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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