

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85200 of 2019**

Arising Out of PS. Case No.-441 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

VINOD SINGH Son of Late Saryug Singh Resident of Village - Emiliya,
P.S.- Muffasil (Motihari), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shanker Verma
For the Opposite Party/s : Mr. Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 20-08-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Muffasil (Motihari) P.S. case No. 441/2019 registered under Section 406, 420/34 of the IPC.

The informant, in sum and substance, alleged that Rs. 12,68,700/- was given to Brajesh Kumar Singh, proprietor of M/s Dibya Disha Enterprises, for supply of pipe, channel, machine and other articles under Nal Jal Scheme. The informant further alleged that petitioner, father of Brajesh Kumar Singh, was also present and accepted that supply shall be made but articles only worth Rs. Seven lakhs were supplied.



The learned counsel for the petitioner submits that proprietor of the firm is Brajesh Kumar Singh and petitioner has nothing to do with the business of Brajesh Kumar Singh. The payment was made through cheque and if any deficiency in payment was found the proprietor of the firm is responsible for the same and money is recoverable from him although it is submitted that proprietor of the firm is ready to supply the remaining articles.

The learned APP however opposed the prayer for anticipatory bail.

It appears from perusal of the FIR itself that informant only alleged that petitioner being father of Brajesh Kumar Singh was also present at the time of negotiation for supply articles worth Rs. 12,68,700/- but admittedly Brajesh Kumar Singh is proprietor of Dibya Disha Enterprises and petitioner is father of Brajesh Kumar Singh who is not liable for any acts of his son.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil (Motihari) P.S. case No. 441/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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