

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2315 of 2020

Arising Out of PS. Case No.-626 Year-2019 Thana- JAKKANPUR District- Patna

GAURAV KUMAR Son of Shyam Chaudhary Resident of F.C.I. Road,
Purbandarpur, Devi Asthan Near Basera, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jyoti Kumari, D/o Ganauri Prasad, resident of -student of Art College,
Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Archana Shahi, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Ashok Kumar Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-10-2021 Heard the learned counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code, registered in connection with Jakkanpur P.S. Case No. 626 of 2019.

As per the allegation, the petitioner Gaurav Kumar entered into an agreement with the informant Jyoti Kumari for taking services of Madhubani painting at the cost of Rs. 75 per sq. ft. Twenty workers performed the entire work of painting, but the petitioner was evading the payment for some reasons or the other. The petitioner also stopped responding to the telephonic



calls of the informant for payment of the amount.

Learned counsel for the petitioner has submitted that he has not taken any money from the informant. She has also submitted that this is a case of civil nature and the criminal liability does not attract.

From the order dated 27.02.2020, it appears that the petitioner is ready to settle the dispute through the process of mediation. Accordingly, notice was issued under both process to procure the attendance of the informant, but due to spread of Covid-19 pandemic the process of mediation is not functional.

During the course of argument learned counsel for the petitioner has submitted that the petitioner is ready to deposit 25% of the entire amount payable to the informant and her twenty workers.

Considering the above facts and circumstances, let the petitioner above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Patna in connection with Jakkanpur P.S.Case No.626 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. with



further condition that the petitioner shall deposit 25% of the entire amount at the time of furnishing bail bonds before the court below.

(Nawneet Kumar Pandey, J)

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