

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37135 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

Prashant Kumar Jha, aged approx 32 years, Male, Son of Late Manoj Jha
Resident of Village-Suro Ojha Tola, P.S.-Bachhawara, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Laheriasarai PS Case No. 25 of 2020 dated 09.01.2020, instituted under Sections 387/353/504/506 of the Indian Penal Code.

4. The allegation against the petitioner by the informant, who is Executive Engineer, Public Health Engineering Department, Darbhanga Division, is that he was the successful bidder for a contract but the agreement was not being executed by him, for which the informant had written a letter to him on 08.01.2020 to do the same within 48 hours and it was indicated



that failing which the earnest money/bid security would be forfeited and action shall also be taken against him and in that background, it is alleged that on the next day, the petitioner had rung him up and had threatened him that he should be prepared for the consequences for writing such letter. Feeling threatened by the same, the present FIR has been lodged.

5. Learned counsel for the petitioner submitted that the letter written by the informant was uncalled for, since the petitioner had been representing that the rates which had been notified by the authorities was very low for the reason that for a similar work the tender which was floated quoted a much higher rate and thus he also represented for his rates to be revised accordingly. It was submitted that there may have been some hot-talk between the parties due to the authorities not taking a decision on the representation of the petitioner, but there is no criminal offence made out as there is no specific instance of what threat was given by the petitioner to the informant. Learned counsel submitted that the petitioner is a registered contractor.

6. Learned APP submitted that the very stand of the petitioner is absolutely frivolous as there cannot be any negotiation with regard to the rates once the petitioner had voluntarily made a bid and was successful and he cannot take the plea that because



another tender which was floated for similar work had different rates, his rates be also enhanced, as the same is absolutely impermissible in law. Further, it was submitted that the informant has no persona enmity so as to falsely implicate the petitioner and whatever he has stated is very genuine and borne out from the records, as the letter written by the informant to the petitioner a day prior to the threat issued by the petitioner, clearly indicates that tough action was contemplated against the petitioner, which, naturally, would have upset him. Moreover, it was submitted that such holding of threat of being prepared with the consequences and also indicating about the past background of the petitioner to the informant clearly would amount to intimidation which is a criminal offence and does hamper the public servant in the proper discharge of his official duty.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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