

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36256 of 2020

Arising Out of PS. Case No.-65 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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ATUL OJHA @ MANTU OJHA S/O LATE NAYAN OJHA RESIDENT OF
VILLAGE - YADAV CHHAPAR, P.S. - CHANPATIA, DIST - WEST
CHAMPARAN, PRESENTLY RESIDING AT MOHALLA - SHIV PURI,
SUPRIYA ROAD, P.S. - BETTIAH TOWN, DISTRICT - WEST
CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :
For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State via video

conferencing.

2. The petitioner seeks pre-arrest bail in

connection with Bettiah Town (Kalibag OP) P.S. Case No.65 of

2020 registered under Sections 420, 406, 504, 506/34 of the

Indian Penal Code.

3. As per the prosecution case, the petitioner

stated the informant that he is an unemployed engineer. He

proposed to do contractual work in partnership. He assured the

informant to pay back his money stating that both will share the

profit equally and no breach of trust will be committed with the



informant. Believing the words of the petitioner, the informant gave certain cheque to the petitioner. The total amount of those cheques was Rs. 10,98,550/-. After contractual work was over, the informant demanded his money back but the petitioner did not oblige. Subsequently, when the informant insisted for return of his money, the petitioner and accused Mithu Ojha came with pistol and terrorized him and the witnesses.

4. Learned counsel for the petitioner submitted that the dispute between the parties is predominantly of civil nature. As a matter of fact, the informant himself had approached the petitioner to do contractual work in partnership stating that since the petitioner is an engineer, he can easily be registered as a contractor.

5. He further submitted that the petitioner got himself registered as a contractor and procured a work order in respect of a contract from the Building Construction Department, Bettiah for which an agreement was executed between the Executive Engineer Building Division, Bettiah and the petitioner on 08.11.2017. The estimated value of the contract work was Rs.11,99,500/-. He contended that the petitioner and the informant commenced the work in partnership. He submitted that it is true that the informant had given some



money by cheque to the petitioner in connection with the performance of the contractual work in question, but the payment of the work already completed has not been made by the Executive Engineer, Building Division, Bettiah till date.

6. Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

7. Having heard the parties, since the dispute appears to be predominantly of a civil nature, the petitioner is directed to be released on bail, in the event of his arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town (Kalibag OP) P.S. Case No.65 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Since the court proceedings are being conducted through virtual mode, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me electronically by the Joint



Registrar-cum-Addl. PPS.

- (ii) The corrected copy of the order shall be transmitted by me to the Joint Registrar-cum-Addl. PPS electronically, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Joint Registrar-cum-Addl. PPS/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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