

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16310 of 2020

Arising Out of PS. Case No.-881 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Nitesh Kumar Singh @ Jitesh Kumar Singh Son of Late Rajesh Kumar Singh Proprietor of Beby Disels, Resident of Shah Market, P.S.- Kotwali, District- Bhagalpur.
 2. Prabhat Kumar Son of Late Ravindra Singh Resident of S.M. College Road, P.S.- Jogsar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Basant Kumar Jain Son of Sri Bishnu Kumar Jain Resident of C.T.S. Road, Marwari Patti, P.S.- Nathnagar, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

The allegation is regarding a contract having been awarded to the company of the informant M/s Sai Construction and Developers Ltd for the purposes of construction of hostel for the children, whereafter the informant is said to have



subletted the contract to a company, namely, Mudgal, the Directors and they are said to have embezzled a huge sum of money.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that the petitioners are the proprietor of Baby India Diesel and they have no concern with any cheque nor they have any agreement with M/s Sai Constructions Private Limited and from perusal of the complaint petition as alleged by the complainant, no prima facie case is made out against the petitioners. He further submits that there is no case made out under Sections 406, 420 and 120B of the IPC against the petitioners and in this regard there is an agreement between M/s Sai Construction Pvt Ltd and M/s Mudgal Construction Company and in Clause 4 of the said Agreement, it is specifically mentioned that if any dispute arises between the parties, it will be settled according to the provision of arbitration act, therefore the aforesaid sections were not attracted in the instant case. He further submits that similarly situated accused has been granted anticipatory bail by a coordinate Bench of this Court passed in Cr. Misc. No. 72814 of 2019. Petitioners have clean antecedent.



Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioners, above named in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Vijay Kumar Mishra, Judicial Magistrate, Ist Class, Bhagalpur/concerned Court in connection with Complaint Case No.881 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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