

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10030 of 2022

Arising Out of PS. Case No.-913 Year-2019 Thana- DANAPUR District- Patna

Arvind Kumar Jha @ Arvind Jha S/O Late Pitamber Jha R/O Village- Hariharpur, P.S.- Kamtaul, Distt.- Darbhanga At Present Working As An Accountant In Durga Mapple Apartment Dumri Koti Compound, Exhibition Road, P.S.- Gandhi Maidan, Distt.- Patna, Branch Office- Durga Project And Infrastructure Pvt. Ltd. Bari Majhuya Toil, Danapur, P.S.- Danapur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 403, 406, 408, 418, 120(B), 420, 425, 464, 468, 471, 477(A), 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the informant entered into an agreement with co-accused Navratna Jhunjhunwala and Navneet Jhunjhunwala who are Director and Builder of Durga Mapple Apartment for



purchase of flats. Accordingly Flat No. C-703 and Flat No.C-704 were booked by the informant on 09.12.2016. Total 91 flats were to be constructed and the construction work was to be completed within 24 months. The flats which were booked by the informant were registered on 27.07.2018 and this petitioner was one of the witnesses of the sale deed but till date many amenities which were agreed upon by the accused persons to provide to the flatiers are not provided. The informant and other flatiers had complained to the Director and Builder and the petitioner being Accountant of the project to complete the boundary wall, iron wire above the boundary wall, play ground, drainage system but till date the same has not been completed. The informant also alleged low quality of materials used for construction of the flats. It is also alleged that altogether 44 lakhs were collected from the flatiers for maintenance of the flats but that money was not deposited in the account of the association meant for maintenance of the



society and it was utilized in some other project of the company. It is also alleged that till date the completion certificate has also not been provided to the flatiers.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is further submitted that petitioner works as an Accountant in the company and he has no concern with the policy making process of the company. It is also submitted that after completing the flats, the sale deeds with regard to the flats of the informant were executed in his favour. There are total 91 flats in the Durga Mapple Apartment but only six flatiers including the informant had made complaint or became witness in this case and rest flatiers had not made any complaint which itself goes to show that with some ulterior motive, the present F.I.R has been registered by the informant. It is the case of the informant that an amount of Rs. 44 lakhs was given to the company for the maintenance of the flats but the



informant has not produced any document or a chit of paper regarding handing over Rs. 44 lakhs to the company for maintenance of the flats which itself goes to show that the story which was formulated by the informant is concocted and baseless. Moreover, learned A.C.J.M, 1st, Danapur has taken cognizance only for the offences punishable under Sections 406, 420 of the Indian Penal Code. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his 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 Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st, Class, Danapur, Patna in connection with Danapur P.S. Case No. 913 of 2019, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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