

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19001 of 2023

Arising Out of PS. Case No.-8 Year-2020 Thana- ARIYARI District- Sheikhpura

1. DHARAM KUMAR DHIRAJ @ DHAIRYA KUMAR Son of Shashi Narayan Jha R/o House No. D-C- 2343, Ward no. 9, 27 Feet Road, Near Manav Sewa School, Dafue Colony, Faridabad (Hariyana) 12100
2. Vijay Kumar Jha @ Vijay Son of Ramakant Jha R/o House Ratwar, P.S- Deoria Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard learned Counsel for the petitioner, and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ariyari (Mahuli) Police Station Case No. 08 of 2020 dated 14.01.2020, disclosing offences under Sections 341/323/420/406/409/504/506/34 of the Indian Penal Code.

The prosecution case, as per the Complaint-cum-First Information Report, is that the petitioner who is a proprietor of Dynamic Indian Packaging Patna, entered into an agreement with Ex-Chairman of PACCS, Chor Dargah, for the purpose of providing gasifire machine and generator in the year 2013 for the rice mill and total agreed amount of Rs. 18,00,000/- has



been paid to the petitioner but it did not supply generator and gasifier to the rice mill, run by the PACCS.

Learned counsel for the petitioner submits that an agreement for supply of the generator and the gasifier was entered between the petitioner and the Ex-chairman of the PACCS in the year 2013 and as per the agreement after receipt of the full payment the supply was to be made by the petitioner. The full payment was made by the Ex-chairman in December, 2015 and thereafter in January 2016 the gasifier and generator were supplied to the PACCS. The present complainant-cum-new Chairman of the PACCS came into office in 2016 but the present complaint has been lodged after three years in the year 2019 which has been converted into the F.I.R in 2020 alleging non-supply of the material by the petitioner. Referring to the impugned order learned counsel submits that it has been mentioned in the impugned order on the basis of the statement of the ex-chairman, that the supply of the gasifier and generator were made but the quality of the products were inferior and was not as per the specifications mentioned in the agreement.

Regards being had to the submissions made on behalf of the parties and taking into consideration the delay in lodging the compliant/First Information Report and the statement of the



Ex-Chairman that the supply was made but specification of the supplied material was not as per the agreement accordingly, I am inclined to grant bail to the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

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 bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Shekhpura, in connection with Ariyari (Mahuli) Police Station Case No. 08 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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