

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51779 of 2023**

Arising Out of PS. Case No.-229 Year-2019 Thana- HILSA District- Nalanda

=====

VIBHUTI KUMAR SON OF DILIP KUMAR RESIDENT OF VILLAGE-  
BARI PAHARI, SOHSARAI, PS- LAHERI, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Rajnish Kumar, Adv  
For the Opposite Party/s : Mr.Choubey Jawahar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      23-08-2023                      Heard learned counsel for the petitioner and the  
  
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Hilsa P.S. Case No. 229 of 2019 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

3. The informant has given a written report that the petitioner has received an amount of Rs. 49,50,000/- for carrying out the interior decoration of the restaurant but has not completed the same in spite of being paid the entire amount.

4. Learned counsel for the petitioner submits that the



petitioner is, in fact the victim. He has not been paid the amounts for which he has discharged the work. In fact, the informant had earlier forcibly taken away his 'Apple laptop' and vehicle (Ecosport) for which he has lodged the *Sanha* entry before the Kotawali Police Station, Patna, copy of which is Annexure-P2 to the bail application. The informant's wife also has lodged a *Sanha*, which corroborates Annexure-P2. The *Sanha* lodged by the informant's wife is Annexure-P3 dated 22.02.2019, two days after the *Sanha* lodged by the instant petitioner. From perusal of the same, it is apparent that the wife of the informant has claimed to have made payment to the tune of only 50% of the agreed amount. Within a month thereafter, the restaurant has also been inaugurated which fact is apparent from the written report itself. The other submission is that the informant himself is a man of criminal antecedent, and at least two cases are known to the petitioner to be pending against him, namely, Bihar P.S. Case No. 500 of 2020 and Hilsa P.S. Case No. 535 of 2022. The nature of the offences alleged in the FIR, at best, makes out a predominantly civil dispute. On extraneous considerations, and to coerce the petitioner to restrain from making demands of the payment due to him, the case has been lodged.



5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations, taking into consideration Annexures P2 and P3 of the bail application, as noted above, and the clean antecedent of the petitioner, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. Accordingly, 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Hilsa, in connection with Hilsa P.S. Case No. 229 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

uttam/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

