

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57845 of 2023

Arising Out of PS. Case No.-446 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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PRAMOD PRASAD CHAUDHARY @ PRAMOD JAISWAL Son of
Mathura Jaiswal @ Mathura Prasad Chaudhari VILL VEDIVAN
MADHUBAN PS PIPRA DIST EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nathu Sah Son of Late Laldhar Sah R/o vill - Vedivan Madhuban, P.S. -
Pipra, Distt. - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate.
For the Opposite Party/s : Mr.Upendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Karandeep Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Upendra Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 446 of 2018 registered for the offence
punishable under Sections 406, 420, 323, 379 and 504 of the
Indian Penal Code.

3. Prosecution story, in brief, is that the complainant
was constructing home at village from the earning of his son.
The petitioner came to complainant's house and insisted him to
purchase construction materials form his shop and assured him
to supply genuine products. On such assurance, the complainant



ordered to supply 96 bags of ACC cement, but instead of supplying the same, the petitioner supplied 96 bags of Sri Jangrodhak cement with assurance that the quality of the cement is good. The complainant used the said cement, but after five days, entire roof of the house got damaged. After that the petitioner assured that the entire cost of reconstruction will be refunded but in vain. On this the complainant sent a legal notice to the petitioner on which he assaulted the complainant and snatched Rs.10,000/- from the pocket of the son of the complainant.

4. Learned counsel appearing on behalf of the petitioner submits that for the similar allegation, the complainant had filed claim case no. 86 of 2018 before the District Consumer Forum and the District Consumer Forum found the case not maintainable. On this ground, the petitioner seeks to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made against the petitioner and the fact that the complainant had approached the District Consumer Forum for redressal of his grievance and the damage which has been caused to the complainant by the petitioner has been found to be not sustainable, the petitioner,



above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Complaint Case No. 446 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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