

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58824 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

RAJESH KUMAR SINGH, age about 28 ys., Male, S/O SHRI RAMJI SINGH, R/O VILLAGE- KHANETHI, PS. RAMGARH, DIST. KAIMUR AT BHABUA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhinav Singh, S/o Vijay Singh, R/o Village Bemahari, District- Basti (U.P.) At present- R/o village Saguna Foods Pvt. Ltd., Branch Buxar, Itadhi Road, Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tribhuwan Narayan, Advocate
For the State	:	Ms.Pushpa Sinha, Advocate
For the informant	:	Mr. Lal Bahadur Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 06-12-2023 Heard Mr. Tribhuwan Narayan, learned counsel appearing on behalf of the petitioner; Ms. Pushpa Sinha learned APP for the State and Mr. Lal Bahadur Pandey, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Ramgarh P.S. Case No. 171 of 2023 dated 03.06.2023 registered for the offence(s) punishable under Sections 379 and 420 of the Indian Penal Code.

3. As per the allegation made in the FIR, the informant, who is the supervisor of the company, had given 477 chicks to the petitioner to rear. However, the petitioner had allegedly put the company on loss of Rs.84,656/-.



4. Learned counsel appearing on behalf of the petitioner submits that due to natural calamity, some chicks which were to be reared by the petitioner as per the terms and conditions of agreement died. The allegation against the petitioner under Section 379 of IPC is not sustainable which is for breach of contract. The informant has remedy before the competent civil court for realizing amount of damage. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Mr. Lal Bahadur Pandey, learned counsel, has tendered his appearance on behalf of the informant and submits that petitioner is liable for payment of Rs.84,656/-, as he has breached the contract.

6. Learned APP for the State has supported the submission made on behalf of informant.

7. Having heard the rival submissions made on behalf of the parties as well as the allegation made in the FIR, it appears for the breach of contract, a case under Section 420 of IPC has been lodged alleging therein that the petitioner has not been able to supply the full grown chicken to the company causing loss and for realizing the contractual amount, remedy lies before competent civil court, I am of the opinion that



petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. However, at this stage, learned counsel for the petitioner submits that the petitioner has agreed to make payment of Rs.40,000/- to the informant.

9. 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Mohania, Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 171 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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