

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2568 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- KHAJANCHI HAT District- Purnia

HEMANT KUMAR CHAUDHARY Son of Shiv Kumar Chaudhary R/V-
Bhavara, P.S- Town, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil in nature.

The informant alleges that he is a Doctor and owner of Muskan Heart and Maternity Hospital, Line Bazar, Purnea and petitioner is the Director of Sandilya Elevator Private Limited. It is further alleged that the informant and the petitioner entered into an agreement on 24.10.2021 for installing an elevator in the hospital for which the informant even paid an



amount of Rs.5,12,000/- but the petitioner despite receiving money did not install the elevator in the hospital.

Learned counsel for the petitioner submits that the dispute is purely civil in nature. It is further submitted that if the informant is aggrieved he has remedy available in law. The informant is only trying to create pressure upon the petitioner for installing the elevator when some amount are still due with the petitioner to be paid by the informant.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it is not in dispute that informant and the petitioner entered into an agreement for installing an elevator in lieu whereof the informant paid an amount of Rs.5,12,000/- to the petitioner and despite receiving the amount the elevator has not been installed. It is further submitted that though it has been submitted that certain amount is still due but then the agreement is not on record as such it cannot be culled out whether the agreement was only for Rs.5,12,000/- or more.

At this stage, learned counsel for the petitioner submits that he will get the dispute resolved and will install elevator within a period of 45 days from today.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with K. Hat (Sahayak) P.S. Case No. 485 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event, if the elevator is not installed within a period of 45 days from today, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner. If the elevator is installed within the aforesaid period, the learned court below shall confirm the provisional anticipatory bail granted to the petitioner.

(Satyavrat Verma, J)

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