

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67991 of 2022

Arising Out of PS. Case No.-175 Year-2020 Thana- BUXAR District- Buxar

Surendra Prasad Singh, Son of Late Bindeshwari Prasad Singh, Resident of Mohalla - Alka Colony, Sandalpur, Kumhrar, P.S.- Bahadurpur, District - Patna, Office Address at 15 HBBN, Bhutnath Road, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned APP for the State.

In the present case, the petitioner is apprehending his arrest in connection with Buxar (Town) P.S. Case No. 175 of 2020 registered for the alleged offences under Sections 418,419, 420 and 406 of the Indian Penal Code.

As per prosecution case, the petitioner entered into an agreement with Nagar Parishad, Buxar for installation of Mini Highmast LED light and pole mounted LED lights. One of the conditions of the agreement was that the petitioner would maintain these lights after installation for next three years. Allegation against the petitioner is that though he received the payment of total amount of Rs. 1,31,21,700/- but he did not



maintain the lights subsequently despite several reminders to him.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to *mala fide* intention. The allegations are false and concocted. The petitioner entered into an agreement on 15.04.2017 and 01.09.2017 with Nagar Parishad, Buxar and the maintenance of the system was to be done for three years and the petitioner engaged mechanics to do the work. Though the petitioner maintained the lights, he has not been refunded the security amount. Learned counsel further submits that this case is arising out of contract and for violation of the same, the present case is not maintainable.

Learned APP opposes the prayer for anticipatory bail submitting that the petitioner duped the informant Nagar Parishad, Buxar and got the payment of whole of the amount.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the allegations against the petitioner are mostly arising out of contract for violation of the terms and conditions of the contract, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 175 of 2020, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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