

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1173 of 2023**

Arising Out of PS. Case No.-53 Year-2020 Thana- BELA District- Sitamarhi

=====

DHARMENDRA KUMAR Son of Late Ram Kumar Chaudhari R/V and P.S-
Parihar, Dist- Sitamarhi, Proprietor of Pooja Communication, Bishwa Road,
Parihar, Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Bipin Kumar, Advocate

For the Opposite Party/s : Mr Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

6 04-09-2023 Heard learned counsel for the petitioner and the
learned APP.

2 The petitioner apprehends arrest in Bela PS Case No
53 of 2020 registered for the offence punishable under Sections
406, 409 of Indian Penal Code.

3 As per the prosecution case, all the FIR named
accused persons along with this petitioner were performing the
work of Nal-Jal Yojana and the informant gave a Cheque of Rs
2,40,000/- and Rs 5,00,000/- to co-accused Amar Singh but the
work was not completed.

4 By filing supplementary affidavit, learned counsel
for the petitioner submits that out of received amount of Rs
7,40,000/-, total work of the Nal-Jal Yojana under the prescribed



scheme of respective boring, structure and wages of labourer, a lump sum amount of Rs 5,50,000/- has been spent and due to objection made by co-accused Amar Singh, the remaining work has been stopped and as such, there is no fault on the part of the petitioner in not completing the work. There is only remaining dispute of about Rs 2,00,000/- out of which the petitioner is ready to deposit Rs 1,00,000/- within six months in the Court below.

5 Learned APP has vehemently opposed the prayer for anticipatory bail.

6 Considering the rival submissions, if the petitioner deposits Rs 50,000/- and the remaining amount in two equal instalments within six months, in the event of arrest/surrender within a period of six weeks from today, the petitioner above named be enlarged on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in Bela PS Case No 53 of 2020 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure.

7 It is made clear that without going into the merit of the case, for the purpose of bail only, this order has been passed



and the deposit made by the petitioner shall be subject to the
outcome of the case.

(Prabhat Kumar Singh, J)

M.E.H./-

U		T	
---	--	---	--

