

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34130 of 2024

Arising Out of PS. Case No.-904 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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AMIT KUMAR BISWAS SON OF LATE RANG LAL BISWAN VILLAGE-
GORIA TOLI, PS- KOTWALI PO - GPO, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Archana Sinha, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Sections 420, 406, 379 and 323 of the Indian Penal Code.

3. As per prosecution case, this petitioner is a contractor and works for IOCL and get the work done by sub-contractors. The complainant works as sub-contractor and he met this petitioner and expressed the desire to work for him and on 23.06.2019, the complainant gave a letter on which both signed and the complainant started working for this petitioner. Thereafter, being satisfied with the work, this petitioner offered another work to the complainant at Dariyapur ad asked him to deposit a sum of Rs. 1,00,000/- and after issuance of contract



letter, he was further asked to deposit a sum of Rs. 1,21,000/-. Complainant deposited the aforesaid sum and started working for Kisan Sewa Kendra, Dariyapur. It is further alleged that after construction of both petrol pumps the accused persons gave a total sum of Rs. 26,06,000/- to the complainant at different dates. Thereafter, when the complainant demanded the rest of the money, he was told that the money has yet not been received by the company and as soon as it receives the same, the complainant will get paid. However, after inquiry, the complainant came to know that the accused persons have already received Rs. 48,88,790.04/- and Rs. 24,60,769.21/- for Kisan Sewa Kendra, Dariyapur. Thereafter, when the complainant went to the accused persons to demand the labour cost of Rs. 49,64,567.25/-, all the accused persons named in the complaint petition, including this petitioner, abused the complainant and threatened to kill him. It is further alleged that on 17.07.2022 at about 8 o'clock, while the complainant was at his house, then the accused persons named in the complaint petition along with three to four unknown persons came there and started abusing and assaulting the informant and also took cash worth Rs. 5,000/- from his pocket.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner is neither proprietor nor partner of M/s Biswas Electric Work and he is just a supervisor of the company in question and looks after the construction work. This petitioner never executed any work agreement as proprietor in favour of the complainant. It is further submitted that from bare perusal of the complaint petition it is apparent that the same was prepared on the letter head of M/s Biswas Electric Work and petitioner has got no concern with the same. Moreover, the dispute between the parties is civil in nature and the acts allegedly committed by this petitioner does not give rise to any criminal liability. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail 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, Patna City,



in connection with C.A. No. 904 of 2022, subject to condition as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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