

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9272 of 2025

Arising Out of PS. Case No.-716 Year-2022 Thana- SAHAYAK NAGAR District- Katihar

1. BHUPENDRA DWIVEDI @ BHUPENDRA DUBEY @ B.K DWIVEDI
S/o- Trilokinath Dwivedi Village- Narayanpali Ps- Garwar Dist- Balia U.P
2. Upendra Dwivedi @ Upendra Kumar Dwivedi S/o- Trilokinath Dwivedi
Village- Narayanpali Ps- Garwar Dist- Balia U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Katihar Sahayak P.S. Case No. 716 of 2022 dated 04.11.2022,
instituted for the offence punishable under Sections 420, 379,
504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that informant had
worked as Q.C. at SJD Services Private Limited Company. It
was alleged that the petitioners did not do their work properly in
company and due to their negligence and forgery the informant
gave their works to TCR Engineering Services Private Limited.
On 06.10.2022, the informant saw that the petitioners stole the



company machine worth rupees twenty five lakhs. When the informant asked them then they verbally abused them and threatened to kill him. It was alleged that due to missing the machine the company's work was effected.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners are the sub-contractor of SJD Services Pvt. Ltd. and the work was allotted to the petitioner's company i.e. Shree Radhey Constructionn for setting the gas pipeline of IOCL and against that the petitioners' company has completed 90% of work and thereafter raised the demand for payment by submitting a composite bill on 21.06.2022 for a sum of Rs. 1,93,05,859/- before the SJD Services Pvt. Ltd. but they did not pay the aforesaid bill amount to the company of petitioners. It is also submitted that the petitioners later on came to know that the SJD Pvt. Ltd. have allotted further work to some another petty contractor without informing the petitioners and paying the due bill amount to them. It is next submitted that alleged occurrence took place on 06.10.2022 but the FIR was lodged on 04.11.2022 i.e after delay of 29 days without any plausible explanation. It is further submitted that the bill was submitted to the informant's



company but the payment was not made and only to pressurize the petitioners, the present false and concocted case has been lodged against them. In this regard a complaint has also been filed before the District Collector, Katihar on 07.07.2023. It is further submitted that nothing has been recovered either from the conscious possession or from the house of petitioner. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Katihar Sahayak P.S. Case No. 716 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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