

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13629 of 2025

Arising Out of PS. Case No.-389 Year-2021 Thana- PATLIPUTRA District- Patna

The Chairman of Ms. Vijeta Projects and Infra structure Projects Pancham Singh Aged about 73 years, Son of Late Jangbahadur Singh, Resident of West Morabadi Maidan, Distt.- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Mishra Son of Sidheshwar Nath Mishra Resident of Indrathakala, P.S.- Bikramganj, Distt.- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. adv Mr. Mani Bhushan Kumar, Adv
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP Mr. Gopal Govind Mishra, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-05-2025 **1.** Heard learned senior counsel for the petitioner, Shri Ramakant Sharma, learned A.P.P. for the State, Shri Rabindra Kumar and the learned counsel appearing on behalf of the OP No. 2, Shri Gopal Govind Mishra.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 341, 323, 379 and 504 of the Indian Penal Code.

3. The learned senior counsel appearing on behalf of the petitioner submits that petitioner has antecedent of four cases, out of which two cases are complaint case of which petitioner was not having any knowledge and as such the petitioner filed a supplementary affidavit bringing on record his



criminal antecedent. It is next submitted that petitioner is the Managing Director of Ms. Vijeta Projects and Infrastructure Limited. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely contractual to which a criminal colour has been given. It is next submitted that informant alleges that Ms. Vijeta Project and Infrastructure Limited secured contract of Bihar Police Training Academy at Rajgir and sublet pipe work to the informant, for which work order was also issued on 22-12-2017 by the company, further, the informant did the contract work to the tune of Rs. 1,72,00,000/-, but the payment was not made despite Kaushal and Sharavan receiving the amount from government, as such, it is alleged that the accused person misappropriated the amount which was meant for the informant.

4. The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is contractual. It is next submitted that the informant also alleges that the work order was issued by Ms. Vijeta Project and Infrastructure Limited, a private limited company, but then from perusal of the FIR, it would manifest that neither the company nor the petitioner who is the Managing Director of the company, have been made



accused, rather specific allegation is alleged against Kaushal and Sharavan who are employees of the company.

5. The learned APP and the learned counsel appearing on behalf of the OP No. 2 opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioner that company has not been made an accused nor petitioner's name figures in the column of accused persons and the dispute is contractual. The learned counsel appearing on behalf of the OP No. 2 next submits that the offences for which the instant FIR has been instituted carries punishment of seven years and less, as such, the case be disposed of in terms of order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). The said submission of the learned counsel appearing on behalf of the OP No. 2 is rebutted by the learned senior counsel appearing on behalf of the petitioner and it is submitted that no doubt the offences for which the instant FIR has been instituted carries punishment of seven years and less, but then neither the company nor the petitioner have been made accused in the case. It is further submitted by learned senior counsel appearing on behalf of the petitioner that petitioner will co-operate in the



investigation to establish his innocence.

6. Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Patliputra P.S. Case No. 389 of 2021, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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