

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27516 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- DANAPUR District- Patna

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Anand Shankar Tiwari son of Sitaram Tiwari Resident of village- Mahadev
Nagar, Mahuwa bag, Ps- Rupaspur, District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajit Singh S/o Baliram singh R/o- Vill New Manipura Ward no-11 near
Kushum Hospital, New Manipura, PS Danapur Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-08-2025 Heard Mr. Rajani Kant Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Rajesh Kumar,

learned APP for the State.

2. Petitioner seeks regular bail in connection with

Danapur P.S. Case No. 401/2024 registered for the offences

punishable under Sections 341, 342, 323, 406, 420, 385, 504,

506 and 34, of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner

has committed fraud with the informant by duping him of Rs.

18 lakh on account of construction of house of the informant.

Further allegation is that when informant requested the

petitioner to complete construction as per agreement or return



the money with interest, the accused persons assaulted him and also snatched a gold chain, Rs.10,000/- etc.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner had agreed to construct the house of the informant and due to some unavoidable circumstances, the same could not be completed within the stipulated period. However, it is admitted by the informant that the work relating to Rs.7 lakh has already been completed and the petitioner thereafter on the basis of false accusation has been taken into custody on 29.05.2024. The petitioner is ready to construct the structure as per the agreement. On these grounds, petitioner seeks to be released on regular bail.

5. Mr. Arbind Kumar, learned counsel has tendered his appearance on behalf of the informant and he submitted that the petitioner has entered into works contract and he also agreed to supply the material for construction of the required structure as per the agreement dated 01.05.2023 but the petitioner could only do work for a total amount of Rs.7 lakhs and with intention to commit fraud with the informant from the very beginning, the petitioner has not executed the work as per the terms and conditions of the agreement.

6. Learned APP appearing for the State also opposes



the bail prayer.

7. Having considered the rival submissions made on behalf of the parties, as well as, having found that in spite of the written agreement, the petitioner from the very beginning delayed in construction with an intention for wrongful gain. I find that the ingredient of Sections 406 and 420 of IPC is drawn against the petitioner. It is well settled principle of law that time is the essence of contract. I am not inclined to grant regular bail to the petitioner. Accordingly, the present bail application stands dismissed.

(Purnendu Singh, J)

Sanjay/-

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