

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32240 of 2025

Arising Out of PS. Case No.-384 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Mahesh Prasad Singh S/o Devendra Singh R/o - Bhikhanpura, P.S - Desri, District - Vaishali
2. Sumit Kumar @ Sumit Kumar Singh @ Sunil Kumar Singh S/o Mahesh Prasad Singh R/o - Bhikhanpura, P.S - Desri, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar Singh S/o Late Kamala Singh R/o vill - Nawadaben, P.s.- Udwant Nagar, Distt.- Bhojpur, at present house of Sri Jai Bahadur Singh, near Surya Mandir, R/o vill- Bhelai, P.S.- Udwant Nagar (Gajrajganj), Distt.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Udwantnagar P.S. Case No. 384 of 2023 registered for the offences under Sections 420, 120(B) & 406 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 was given a contract for construction of house of the informant and informant paid Rs.1,52,605/- in several installment to petitioner no. 1. The allegation is that the petitioner no. 1 did not complete the work and fled away with the money and he has furnished



wrong address. Further, allegation is that petitioner no. 2 also used to receive money at the instance of petitioner no. 1. Thus, the informant suffered a loss of Rs.3,05,605/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The informant admitted that the money given to petitioner no. 1 was used to pay labour charges and to purchase plywood, bamboo and wood and the same was used on the work site of the informant and in view of this fact, there is no misappropriation or cheating. The informant has filed the case with entirely vague allegation without giving details of construction site or its area. The dispute arose between petitioner no. 1 and informant towards the payment of labour charges. The petitioners have given correct address and to certify the same copy of Aadhar card has been annexed with the petition. Learned counsel further submits that it is a case of civil dispute and all the allegations against the petitioners do not disclose any commission of offence. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the vague and doubtful nature of allegation and further considering the clean antecedent of the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court in connection with Udwanthnagar P.S. Case No. 384 of 2023, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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