

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58000 of 2025

Arising Out of PS. Case No.-22 Year-2023 Thana- COMPLAINT CASE District- Araria

ABUZAR GAFFARI @ ABUZAR S/O JAINUDDIN MARHUM R/O VILL.-
P.T. DUMARIA, WARD NO. 9, P.S.- MAHALGAON, DIST.- ARARIA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. IZHAR S/O MD. JUMMAN R/O VILL.- CHAUGHARIA, WARD
NO. 9, P.S. AND DIST.- ARARIA.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vijay Kishore Bharti, Advocate
For the State	:	Mr. Mohammad Sufyan, APP
For the Complainant	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-08-2025 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the

complainant/Opposite Party No. 2.

2. The petitioner apprehends his arrest in a complaint
case registered for the offence punishable under Sections 417,
418 and 406 of the Indian Penal Code.

3. As per prosecution case, on 15.01.2022, a
construction agreement was made between the parties for
completing the construction work within a period of four
months with a payment of Rs. 10,80,000/-. It is alleged that



thereafter, petitioner paid Rs. 4,62,000/- out of the amount agreed and refused to pay Rs. 6,18,000/-.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. From bare perusal of the complaint petition it is apparent that it is a case of money dispute which arises out of an agreement. Allegation is of breach of terms and conditions of the agreement which is purely civil in nature and no criminal liability is made out against the petitioner. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State and learned counsel for the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, nature of dispute 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 eight 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 C.J.M., Araria in connection



with Complaint Case No. 22C of 2023, subject to condition as
laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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