

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79806 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

Nachiket Singh Son of Sri Devanand Singh @ Devnandan singh Resident of Village- Mani Saran Mane, P.S.- Town, Distt.- Saran, presently residing at Ashirvad Apartment Flat No. 102, Nehru Nagar, P.S.- Patliputra, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem, APP
For the Informant	:	Mr. Satyeshwar Prasad, Advocate
		Mr. Siddharth Alok, Advocate
		Ms. Rashmi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2025 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner, Mr. Shahabuddin Azeem, learned Additional Public Prosecutor for the State and Mr. Satyeshwar Prasad, learned counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Sri Krishnapuri P.S. Case No. 162 of 2024, F.I.R. dated 07.06.2024 for the offences punishable under Sections 420, 406 of the Indian Penal Code.

3. According to prosecution case, the informant entered into an agreement with the petitioner being a contractor with regard to interior work for which he took Rs. 81 lacs and after doing some job, the petitioner left the work in between

without giving any explanation to the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The petitioner has entered into an agreement with the informant for renovation (interior work) of the informant's house. As per allegation in the F.I.R., the petitioner after receiving the amount has not completed the work in question. He further submits that the petitioner has completed the work as per the agreement and after the completion of the agreement, the informant has informed the petitioner that to do some more work and the petitioner is not ready for the same, then the informant has filed the present false case against the petitioner and in view of the aforesaid no case is made out against the petitioner. It appears from the F.I.R. that the present case is purely a civil dispute.

5. The learned Additional Public Prosecutor as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has not completed the work in question as per the agreement and apart from that a report of the Urban Development suggests that the work completed by the petitioner is not per specification as per agreement.

6. Considering the aforesaid facts that the petitioner is having clean antecedent and he has completed the work as per the agreement and it appears from the F.I.R. that the present case is a civil dispute, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna in connection with Sri Krishnapuri P.S. Case No. 162 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court

below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

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