

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90389 of 2024

Arising Out of PS. Case No.-133 Year-2019 Thana- BHEJA District- Madhubani

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Gaurav Kapoor S/o- Rajinder Kapoor R/o- 107 109 first floor vardhman royal
plaza local shopping complex gujaranwala town part 1 Delhi 110009

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanket, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 28-02-2025 Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354, 385/34 of the Indian Penal Code.
3. As per the prosecution case, informant alleged that he is a ward member of Gram Panchayat Raj, Parwalpur under ward no. 2 and he had issued 2 cheques of Rs. 16,95,000/- in connection with supply of materials for implementation of Nal Jal Yojana Scheme to the proprietor of a firm situated at Delhi and despite that, the firm did not supply the materials which was ordered even after many reminders. It is further alleged that the petitioner is owner of aforesaid alleged firm and he along with co-accused agent misappropriated the amount.
4. Learned counsel for the petitioner submits that petitioner entered into an agreement for supply of the materials for implementation of Nal Jal Yojana with the State and as per



the agreement, first payment of 60% was to be made after delivery of materials and rest payment of 40% was to be made after completion of the work. He further submits that as per the terms of agreement, the company of the petitioner supplied the materials and fitted the same to the satisfaction of the informant and accordingly, he demanded the payment. Petitioner is only the supplier and it is not the job of petitioner to execute or complete the work in question as such, he cannot be held responsible for incompleteness of the same. At best, it is case of breach of contract, for which remedy lies elsewhere. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the nature of accusation, clean antecedent and other facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, 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 Additional Chief Judicial Magistrate-II, Jhanjharpur in connection with Bheja P. S. Case No. 133 of



2019, subject to condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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