

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70906 of 2025

Arising Out of PS. Case No.-1654 Year-2024 Thana- COMPLAINT CASE District- Araria

Vinod Agarwal S/o Yograj Agarwal @ Yuvraj Agarwal Prop. M/s eagle Enterprises, 30 Nirala Market, IT Crossing Lucknow and Distt- Lucknow, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shree Umar S/o Tasleem R/o vill - Taran Tola Kamat Dooba, ward no. 10, P.S.- Jokihat, Distt.- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Nand Poddar, Adv. Mr. Rahul Kumar Mishra, Adv.
For the Opposite Party/s	:	Ms. Anita Kumari, Adv.
For the O.P. No.2	:	Mr. S.M. Ashraf, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-02-2026 Heard Mr. Rama Nand Poddar, learned Advocate for the petitioner and the learned APP for the State. O.P. No.2 is represented through Mr. S.M. Ashraf, learned Senior Advocate.

2. The petitioner apprehends his arrest in connection with Complaint Case No.1654 of 2024, wherein cognizance has been taken for the offences punishable under Sections 316 and 318 of the BNS.

3. The complainant who is said to be a petty contractor operating in Uttar Pradesh, Delhi, Rajasthan, and Haryana, entered into an agreement with Opposite Party No. 2 for the purpose of supplying labour after receiving a certain



advance amount and other incidental payments. It is specifically alleged that the work commenced on 10.08.2018 and was completed on 24.03.2019. The total amount payable for the said work was calculated at Rs.72 lakhs, out of which the petitioner has paid Rs.43 lakhs and a balance of Rs. 29 lakhs remains unpaid till date.

4. The learned Advocate for the petitioner submitted that only on account of putting pressure, the present complaint case has been instituted, which is out and out *malafide* in nature. Even as per the averments made in the complaint petition, the alleged work was completed on 24.03.2019, whereas the present complaint has been filed belatedly on 27.08.2024, without any cogent or plausible explanation for such inordinate delay. It is further submitted that prior to filing the present complaint, the complainant had already instituted Payment of Wages Case No. 2 of 2021 before the Court of the Presiding Officer, Labour Court, Purnia. The said case did not find favour and was dismissed on 12.05.2023. Thereafter, the present complaint case has been filed. Even if the allegation is taken to be true as levelled in the complaint case, it predominantly appears to be a dispute regarding accounting, commercial in nature. Moreover, the petitioner bears fair antecedent and he undertakes that he



will fully cooperate in the proceedings of the Court.

5. On the other hand, the learned Senior Advocate appearing for the informant, as well as the learned Advocate for the State, vehemently opposed the bail application and submitted that the order taking cognizance passed by the learned jurisdictional court clearly indicates that a *prima facie* case is made out against the petitioner, pursuant to which summons have already been issued. It is further contended that materials available on record demonstrate that the petitioner has failed to pay the outstanding amount of Rs. 29 lakhs, and therefore, his complicity in the alleged offence cannot be ruled out.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the dispute predominantly appears to be commercial in nature, besides the fact that the work was completed long back on 24.03.2019 and the present complaint case came to be filed after a long delay, besides other materials as discussed hereinabove and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties



of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Araria in connection with Complaint Case
No.1654 of 2024, subject to the condition as laid down under
Section 482(2) of the BNSS, with further condition that one of
the bailors shall be the own/close family members of the
petitioner.

(Harish Kumar, J)

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