

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11341 of 2024

Arising Out of PS. Case No.-3745 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. SHASHI KANT MISHRA S/O NAND KUMAR MISHRA R/O VILLAGE-HURAKA, P.S- TILAUTHU, DIST.- ROHTAS.
 2. KUNAL MISHRA S/O SHASHI KANT MISHRA R/O VILLAGE-HURAKA, P.S- TILAUTHU, DIST.- ROHTAS.
 3. MURALIDHAR SINGH S/O GURU DEV SINGH R/O VILLAGE-HURAKA, P.S- TILAUTHU, DIST.- ROHTAS.
 4. AMIT MISHRA @ AMIT KUMAR PANDEY S/O RAMKUBER PANDEY R/O BABHNI, P.S- KARGAHAR, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHIV PATI KUMAR S/O SHIV NANDAN SINGH R/O VILLAGE-PARSA BAZAR, P.S- PARSA BAZAR, DISTT.- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Tiwari , Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar , APP
For the iNformant	:	Mr. Vishwakarma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners,

Opposite party No. 2 and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under section 406 of the Indian Penal Code.

3. The prosecution story , in short, is that upon the request of all the accused persons including these petitioners, the complainant had agreed to give friendly



loan for their business, and accordingly money was transferred by the complainant and his brother in the following ways i. e., Rupees 10.19 lacs (Ten Lacs Nineteen Thousand) transferred in the account of petitioner No. 2 Kunal Mishra, Rs. 1.4 Lac transferred in the account to petitioner No. 3 Muralidhar Singh, Rs. 22 Lac 73 Thousand transferred in the account of petitioner No. 4 Amit Mishra, Rs. 7.97 Lacs transferred in the account of petitioner No. 1 Shashi Kant Mishra, and the rest amount was received by them (the accused person) in cash in the following manner: Rs. 4 Lacs received by petitioner No. 1 Shashi Kant Mishra, Rs. 3 Lacs received by petitioner No. 2 Kunal Mishra, Rs. 3 Lacs received by petitioner No. 4 Amit Mishra, and Rs. 2.71 Lacs received by co-accused Mamta Devi, who is co-villager of the petitioner No. 1 Shashi Kant Mishra/accused person(s). It is lastly alleged that when complainant asked to return his money, all the accused persons refused to do so .

4. It is submitted on behalf of the petitioners that the petitioners have not committed any offense as



alleged and that the entire prosecution case is false and fabricated. The present case has been lodged only with a view to grab a huge amount of money from these petitioners by way of pursuing a criminal case against them. He next submits that in the entire complaint case, neither there is any date nor any account number in which the cash was transferred to the petitioners or other accused. He further submits that the complainant is a resident of Patna while the petitioners are residents of District Rohtas, which is situated at a distance of more than 300 km, and neither they are relatives nor acquaintances with each other. Besides that, it is also a fact that under what circumstances or basis the complainant gave the huge alleged amount of friendly loan to unknown-accused persons. No chit of paper has been filed on behalf of the complainant to support the allegation. There was no agreement made between the parties before the transaction of the alleged money. Moreover, it is a case of a money dispute. Petitioners



claim clean antecedent.

5. Learned counsel for the State and Opposite party No. 2 oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM VIII, Patna in connection Complaint Case No. 3745(C) of 2022 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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