

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19181 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAJEKALA District- Patna

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Mohnish Kumar Son of Shyam Nandan Lall Resident of Mohalla- Madarsa
Sulemania Lane, Nawab Bahadur Road, P.S. Khajekala, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Syed Faizan Mehndi Son of Syed Ishrat Hussain, C/O Musa Ali Khan
Resident of Chua lal lane, Nawab Bahadur Road, Patna. Permanent Resident
of Aurangaband, Saraiya, P.S.-Amjhor, Distt.-Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rishi Raj Raman, Adv.
For the Opposite Party/s :	Mr. Vinod Shanker Modi, APP
	Mr. Abu Nasar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-10-2024 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the opposite party

no. 2.

2. The petitioner apprehends his arrest in connection with
Khajekala P.S. Case No. 23 of 2023 registered under Sections
420, 406 and 34 of the Indian Penal Code.

3. As per prosecution case, this petitioner along with his
associates entered into an agreement with informant. Pursuant to
the agreement, informant was to receive 7.25% per month on
the capital amount. Thereafter, informant, his family members



and his friend invested Rs. 60 lakhs in the firms of petitioner, namely, Rajni Enterprises and Rajni Coal Ltd. Company. Till December 2021, 7.25% of profit was credited to their account. But from January, 2022, informant came to know that the accused persons invested his money in some other place. In this way, petitioner along with his associates committed fraud in a planned manner and embezzled money of informant, his family members and his friend.

4. Submission of learned counsel for the petitioner is that the petitioner is innocent and has falsely been implicated in this case. From bare perusal of FIR, it is apparent that it is a case of breach of agreement and does not entail any criminal liability. There is no allegation that the petitioner has any fraudulent or dishonest intention from the inception and hence no case of cheating is made out. Learned counsel further submits that he has given all the details of investment given by informant in paragraph nos. 8, 9 and 10 to the bail petition.

5. Learned A.P.P. appearing on behalf of the State and learned counsel for the opposite party no. 2 opposed the prayer for bail of the petitioner and submit that there is specific accusation against this petitioner that he along with associates committed fraud of Rs. 60 lakhs. It is further submitted that



petitioner has got seven criminal antecedents, in which six are of similar nature. Hence, he does not deserve the privilege of anticipatory bail.

6. Having considered the nature of accusation and the long criminal history of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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