

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9125 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Priyanshu Kumar, aged about 34 years, Male, S/o- Dinesh Chourasia Resident
of Village- Baghi Ward No 25 PS- Lohiyanagar District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s: Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in connec-
tion with Bibhutipur P.S. Case No. 138 of 2024 instituted for the
offences under Sections 420, 406, 467, 468, and 471 of the In-
dian Penal Code.

3. The prosecution case in brief is to the effect that
one Sunil Kumar, the informant of the case alleged that he is
Branch Manager of Uttara Food and Feed Private Limited and
his Company runs a business of poultry farm and the petitioner,
Priyanshu Kumar and Sharvan Kumar had entered into a legal
contract with his Company for rearing of commercial broiler
chicks but by forging some documents they have taken the
chicken total in number 6,500/- from his company which had



caused loss to the Company to the tune of Rs. 17,03,096/-.

4. It is submitted by learned counsel for the petitioner that the petitioner was Assistant of Co-accused, Sharvan Kumar, who is involved in the business of poultry farm. He further contends that the petitioner had never entered into the legal contract which is evident from perusal of the agreement contained in Annexure-2 that he has neither signed on the agreement nor he has received any amount of sale. It is further submitted that the case under Section 420, 467, 468 and 471 of IPC is not made out against the petitioner and moreover since it was a legal contract which was entered into between the informant and the co-accused, Sharvan Kumar, as such, the present case is out and out a civil nature of dispute. It is also submitted that the petitioner has got criminal antecedent in three cases and he is on bail in all three cases, i.e., (i) Bhagwanpur P.S. Case No. 245 of 2021, under Section 25(1-b)a, 26 and 35 of Arms Act, (ii) Bhagwanpur P.S. Case No. 46 of 2022, under Section 379 of I.P.C. and (iii) Singhaul P.S. Case No. 36/2021, under Section 30(a) of Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the fact in the First Information Report



that the informant has himself admitted that there was a legal agreement between the informant and Sharvan Kumar and from perusal of the same it is clear that the petitioner is the Assistant of Co-accused, Sharvan Kumar and nothing specific has been alleged against the petitioner, the petitioner, abovenamed, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 138 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two con-



secutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Begusarai within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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