

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11546 of 2025

Arising Out of PS. Case No.-261 Year-2024 Thana- KHAGARIA District- Khagaria

Alok Kumar @ Rakesh Pathak Son of Umesh Pathak Resident of Touzi No. 1447, Mill Road, Infront of Dr. S.K. Pansari, P.S. - Khagaria, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhanpat Kumar Jain Son of Late Sampatmal Jain Proprietor M/S Dhanpat Kumar Jain, Resident of Mill Road, P.S. - Khagaria, District - Khagaria

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11755 of 2025

Arising Out of PS. Case No.-261 Year-2024 Thana- KHAGARIA District- Khagaria

Bimla Devi @ Vimla Devi W/O Umesh Pathak R/O Touzi No - 1447, Mill Road, Infront of Dr. Sk Pansari, P.S- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhanpat Kumar Jain (Proprietor M/S Dhanpat Kumar Jain) S/O Late Sampatmal Jain R/O - Mill Road, P.S- Khagaria, District- Khagaria

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11546 of 2025)

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Nand Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 11755 of 2025)

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 420 and 406 of the Indian Penal Code.

3. It is the case of the prosecution that in the year



2014, Umesh Pathak alongwith Rakesh Pathak (petitioner in Cr.Misc. No. 11546 of 2025) approached the informant and persuaded them to appoint Rupesh Pathak as C.A. for their firm. He accepted the request made by them and appointed Rupesh Pathak as the C.A. of his firm. It is alleged that in October, 2022, Rupesh Pathak alongwith his wife came to the informant's house and informed him that they are buying a flat in Delhi, for which, they are in need of Rs. 35 lakhs and also assured to refund the said amount in nine months. Informant transferred Rs. 35 lakhs on 27.10.2022 in the account of co-accused Rupesh Pathak. It is further alleged that Rupesh Pathak and his wife again approached informant after six months and requested him to give Rs. 20 lakhs more for payment of outstanding amount of said flat and assured that entire amount of Rupees fifty five lakhs (35 lakhs + 20 lakhs) would be returned to informant within a span of two months through sale of other properties, then the informant transferred Rs. 20 lakhs in the bank account of firm namely Vaishnavi Enterprises of Priyanka Pathak, wife of Rupesh Pathak. It is next alleged that on 05.01.2024, Priyanka Pathak, wife of Rupesh Pathak sent Rs. one lac to the informant and also issued a post-dated cheque of 19 lakhs and Rupesh Pathak also issued a post dated cheque. However, on



19.04.2024, both the cheques were dishonored due to insufficient fund.

4. Learned counsel for the petitioners submits that from bare perusal of the F.I.R., it is apparent that Rakesh Pathak (petitioner in Cr.Misc. No. 11546 of 2025) and Bimla Devi (petitioner in Cr.Misc. No. 11755 of 2025) are brother and mother respectively of Rupesh Pathak (main accused). These petitioners have been made accused only because they are family members of co-accused Rupesh Pathak and Priyanka Pathak. and have committed no offence. Specific accusation of misappropriation of informant's money is against co-accused Rupesh Pathak and his wife Priyanka Pathak. The alleged cheques were also issued by co-accused Rupesh Pathak and his wife Priyanka Pathak, which got bounced. At no point of time, the petitioners were involved in cheating of alleged amount of informant.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners in both the aforesaid cases, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria / concerned Court in connection with Khagaria P.S. Case No. 261 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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