

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9984 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- RUPAULI District- Purnia

Krishna Jaiswal S/O Dilip Jaiswal @ Dilip Chaudhary Resident of Village-
Roshna Bazar, P.S- Roshna, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Rajendra Prasad Sah, Advocate
For the State	:	Mr. Madan Kumar, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 12-06-2025 1. Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State. No one appears for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Rupauli P.S. Case
no.109 of 2024 registered under sections 420, 406, 467, 468,
120B and 34 of the Indian Penal Code.
3. As per the prosecution case, the informant states
that he entered into business transactions with Himanshu Kumar
Bhagat and Arjun Prasad Bhagat for sale and purchase of grains.
It is submitted that the accused persons cheated about ten
persons including the informant herein of a total sum of
Rs.5,06,33,211/-. Thereafter the informant further states that
nine named accused persons including the petitioner herein as



also Himanshu Kumar Bhagat and Arjun Prasad Bhagat have formed a gang and have cheated the farmers of the aforesaid amount.

4. Learned Senior counsel for the petitioner submits that from the contents of the F.I.R. itself it would transpire that so far as the allegations are concerned as levelled by the informant, business transactions took place between the informant on one hand and Himanshu Kumar Bhagat and Arjun Prasad Bhagat on the other. Though seven other accused persons have been named including this petitioner, however there is no details nor any allegations with respect to any of them. Referring to the order of this Court dated 7.3.2025 it is submitted that even learned counsel for the informant had appeared on the said date, however no details with respect to this petitioner has been brought on record even in the counter affidavit filed. This Court had further taken note of the fact that the informant had entered into a compromise with Himanshu Kumar Bhagat as a result of which both Himanshu Kumar Bhagat and Arjun Prasad Bhagat have been enlarged on bail by the learned Court below itself. The petitioner was in custody since 1.10.2024 till he was enlarged on provisional bail by this Court by order dated 7.3.2025 and undertakes to cooperate in



the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State. No one appears on behalf of the informant.

6. From the contents of the counter affidavit filed on behalf of the informant, it transpires that allegations have been levelled against the petitioner of non-payment of Rs. 1.94 crores (approx) against sale of grains. It may be observed here that the instant case is an application for bail and a criminal case cannot be made a substitute of a money suit for recovery of the amount due in a 'business transaction'.

7. Having heard learned Senior counsel for the petitioner and taking into consideration the allegations against the petitioner in the F.I.R., the material that has come in the counter affidavit of the informant, grant of bail to the above named co-accused namely Himanshu Kumar Bhagat and Arjun Prasad Bhagat by the learned Court below itself together with the petitioner having remained in custody for 8 months since 1.10.2024 and charge-sheet having been submitted in the case, the provisional bail granted to the petitioner in connection with Rupauli P.S. Case no.109 of 2024, 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 Chief Judicial



Magistrate, Purnea, is hereby confirmed.

(Partha Sarthy, J)

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