

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24644 of 2025**

Arising Out of PS. Case No.-402 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Shyamjee Prasad Shahi @ Shyamjee Shahi, S/o Late Hari Nath Prasad, R/o Village- Pana Chhapra @ Sanraha Sumer, P.S.- Motipur, Muzaffarpur, Bihar- 843111

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Kumar, S/o Murli Manohar Shahi, R/o Village- Sadha Sumer @ Pana Chhapra, P.S.- Motipur, District- Muzaffarpur

... .. Opposite Party/s

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**Appearance :**

|                    |   |                                                           |
|--------------------|---|-----------------------------------------------------------|
| For the Petitioner | : | Mr. Yashraj Bardhan, Advocate                             |
| For the State      | : | Mr. Binod Kumar, APP                                      |
| For the O.P. No.2  | : | Mr. Sanjay Kumar @ S.K., Advocate<br>Ms. Anjana, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

4      23-07-2025                      Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Opposite Party No.2/Complainant.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Complaint Case No. 402 of 2021, dated-27.03.2021, registered for the offences punishable under Sections 406 and 506 of Indian Penal Code.

3. As per allegation, Rs.6,00,000/- was paid by the complainant to the accused persons as loan on account of



marriage of daughter of the petitioner, and thereafter, one tractor has been transferred by the petitioner to the complainant adjusting Rs.2,00,000/- out of total Rs.6,00,000/-. It is further alleged that rest amount of Rs.4,00,000/- is not paid by the petitioner to the complainant despite demand.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that cognizance has been taken under Sections 406 and 504 of Indian Penal Code. However, no such offence is made out in this case. He further submits that this is not a case of entrustment. As per allegation, it is a case of loan, and as such, in the alleged facts and circumstances, the complainant should have filed civil suit for recovery of money. The whole complaint case is misconceived. Moreover, there is no allegation on the part of the complainant that there was *mens rea* right from the beginning not pay back the loan. Even as per the admission, Rs.2,00,000/- has already been paid which shows that there was no any *mens rea* not to pay back the loan.



5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned counsel for the Complainant and learned APP for the State vehemently oppose the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Complaint Case No. 402 of 2021, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J.)**

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