

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27524 of 2024**

Arising Out of PS. Case No.-718 Year-2017 Thana- BHABHUA District- Kaimur (Bhabua)

Nitish Kumar S/o Lal Bahadur Mehta R/o vill - Kairidih, P.s. - Navinagar,  
Distt. - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Sharma S/o Shiv Bhagat Sharma R/o vill - Flat No. 103, Sarita Vihar, New Delhi, 110076, Permanent R/o vill - Sandipur, P.s. - Obra, Distt. - Aurangabad

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md. Nafisu Zzoha, Advocate  
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

10    23-06-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 341, 323, 379 and 504 of the Indian Penal Code.

3. The prosecution case as disclosed in the complaint petition is that complainant made an oral agreement with the petitioner of a consignment of making Aadhar card through a company on contractual basis and he handed over a number of equipment like laptop and other things to the petitioner. He further alleged that while the cost of modification of Aadhar card would be kept with the petitioner and the commission



amount for the new Aadhar card would be kept by the complainant. However, later he came to know that the petitioner kept all the amount and took away all the items and left the shop.

4. Learned counsel for the petitioner submits that the present F.I.R. arises out of a complaint filed by the complainant, the basis of which is only an oral agreement and there is no written document to indicate the fact that any kind of oral arrangement was made between the parties for making new Aadhar card and for which some electronic goods were made available to the petitioner. It has further been submitted that since the commission used to come directly to the complainant he had to transfer the amount of Rs. 4,50,000/- to the petitioner which he did not do and it is due to this reason that the petitioner kept the equipment of the complainant.

5. Learned APP for the State has opposed the prayer for bail

6 In any view of the matter, the case appears to be arising out of a civil dispute with regard to money transaction between the parties who had entered into a business on contractual basis. In such view of the matter, it is submitted that at best it is a case of breach of terms of contract and no case



under the alleged section is made out against the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bhabhua P.S. Case No. 718 of 2017 subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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