

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30648 of 2025

Arising Out of PS. Case No.-10908 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Amresh Kumar Sharma S/O Shri Ram Khelawan Sharma R/O Ward No. 01, Charaut Uttari, P.S- Charaut, Distt.- Sitamarhi, Bihar Presently residing at Sri Durga Nivas, Lane No. 1 C, Vijay Nagar, P.S- Rukunpura, Patna-800014, Bihar.
 2. Ajay Kumar Jha S/O Shri Jagan Jha R/O Ward No. 10, Village- Bhadian, P.S- Nanpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soniya Nigam W/O Vinay Kumar Director, Rubisco Pharmaceuticals Pvt. Ltd, House NO. 508/C, Agrani Height, Ram Krishna Nagar, P.S- Jakkanpur, Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avanish Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Complainant	:	Mr. Hitendra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2025 Heard Mr. Avanish Kumar Singh, learned counsel for the petitioners, Mr. Hitendra Singh, learned counsel appearing on behalf of the complainant as well as Mr. Ajit Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 10908 (C) of 2023 for the offences punishable under Sections 323, 341, 354, 379, 384, 403, 406 and 420 of the Indian Penal Code.

3. According to prosecution case, the complainant



alleged that by the terms of the MOU her company has been authorized by Nutrimed Healthcare Pvt. Ltd to act as a sole agent in the State of Bihar but with malafide intentions co-accused T.N. Tiwary gave the agency of 10 districts in Bihar to petitioner no. 2 causing illegal loss to her company. Thereafter, without prior notice they also took the agency of entire State of Bihar from her company.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition. In fact, petitioner no. 1, namely, Amresh Kumar has invested in the company of the complainant but after sometime the complainant has not gave any profit to the petitioner and filed the present case against him and petitioner no. 2, namely, Ajay Jha was earlier an employee in the complainant's firm and he has also invested in the firm of the complainant but the complainant has not given him the profit and also filed against present against him. Apart from that the complainant has also filed Arbitration Request Case No. 94 of 2023 before the Patna High Court but the same has been



dismissed on 27.07.2024. In fact, the complainant was appointed as marketing agent of Nutrimed Healthcare Pvt. Ltd. in the State of Bihar vide MOU (agency agreement) dated 20.07.2021 for the period 20.07.2021 to 20.07.2024. He further submits that the MOU between the Nutrimed Healthcare Pvt. Ltd and different companies are entered on the company's letter head and never on any non-judicial stamp paper which is clear from the Annexure-P/3 that the MOU filed by the complainant as Annexure-1 to the complaint is fake and forged document. In fact, the complainant's husband, namely, Vinay Kumar and the petitioner no. 2 were working together in a company called Danone Nutricia Co. Thereafter, the husband of the complainant started his own company called Rubisco Pharmaceuticals Pvt. Ltd. in the month of July, 2015. His wife, namely, Soniya Nigan (complainant) and her sister, namely, Pinki Roy have become the Directors in the said company. Petitioner no. 2 has invested around Rs. 3,20,000/- and became director in the company in the year 2018 and petitioner no. 1 joined the company in the month of April, 2019 and invested Rs. 4 lakhs in the company. The petitioners have invested money in the company in which the complainant was director and the complainant has not stated anywhere in her complaint petition that the petitioners have



invested in her company. He further submits that the husband of the complainant refused to give them any share from the profit of the company to the petitioners and complainant in connivance with her husband has filed the false case against these petitioners. Apart from that the complainant's company has filed a Request Case No. 94 of 2023 but the same was withdrawn vide order dated 26.07.2024 (Annexure-7) which suggest that the complainant has filed the present complaint petition against these petitioners with ulterior motive only because she did not want to give any share in the profit of the company to the petitioners.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that it appears from the complaint petition that the complainant has given legal notice to these petitioners on 06.09.2023 but the petitioners have not gave reply to the aforesaid notice. Apart from that as per the allegation in the complaint petition, the petitioners have abused and assaulted the husband of the complainant and petitioner no. 2 took gold bracelet from her husband and petitioner no. 1 snatched her purse and took Rs. 20,000/- from it.



6. Considering the aforesaid facts and circumstances that it appears that the present case is purely a civil dispute and the allegation against these petitioners that they have assaulted to the complainant's husband and also took gold bracelet and Rs. 20,000/- from complainant's purse is ornamental and on the pretext of not giving the share in the profit the complainant has filed the false case against these petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Complaint Case No. 10908 (C) of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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