

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34264 of 2025

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAJEKALA District- Patna

Akhilesh Kumar S/o Late Nageshwar Rai @ Nageshwar Prasad Resident of Village-
Koilarwar, P.S.- Koilarwar, Distt.- Bhojpur Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar , Advocate
For the Opposite Party/s : Mr. Binod Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Khajekala P.S. Case No. 23 of 2023 registered under Sections 420, 406 and 34 of the Indian Penal Code.

3. As per prosecution case, this petitioner along with his associates entered into an agreement with informant to invest money in export and import of coal, stove and wheat business. Pursuant to the agreement, informant was to receive 7.25% per month on the capital amount. Thereafter, informant, his family members and his friend invested Rs. 60 lakhs in the firms of petitioner, namely, Rajni Enterprises and Rajni Coal Ltd. Company. Till December 2021, 7.25% of profit was credited to their account. But from January, 2022, informant came to know that the accused persons invested his money in



some other place. In this way, petitioner along with his associates committed fraud in a planned manner and embezzled money of informant, his family members and his friend.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Entire grievance of the informant is against co-accused Mohnish Kumar and there is no specific accusation against him. He further submits that Mohnish Kumar is the proprietor of Rajni Enterprises and M.D. of Rajni Coal Ltd. and petitioner is simply a member of Board of Directors and has got no concern with the alleged transaction between co-accused Mohnish Kumar and informant. Learned counsel further submits that entire investment was made in the business and a person, who has invested an amount in the business, cannot claim guaranteed returns. Once the amount has been invested with clear intention to do business and loss is suffered in the business, there cannot be any guaranteed return. The dispute arises out of business partnership, which is civil in nature. The present case has been filed by the informant only with a view to recover the amount, which has been invested by him (informant) in the said business.

5. Learned A.P.P. vehemently opposes the prayer for



bail and submits that petitioner is named in the F.I.R. with specific allegation that he alongwith his associates, named in the F.I.R., committed fraud of Rs. 60 lacs and as such, the present bail petition is fit to be dismissed.

6. Considering the aforesaid facts and circumstances of the case , the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

