

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31486 of 2025

Arising Out of PS. Case No.-1 Year-2024 Thana- COMPLAINT CASE District- Sheohar

=====

Vinod Rai @ Vinod Rai Chandravanshi S/o Harinarayan Rai R/o Village-
Kashopur, P.S.- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Kumar S/o Late Jagatnarayan Singh R/o Village- Aashopur, P.S.-
Piprahi, District- Sheohar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the O.P. No. 2	:	Mr. Yogendra Mishra, Advocate Ms. Swati Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Complaint Case No. 1 of 2024, dated
02.01.2024, registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

3. As per allegation, the accused-petitioner has taken
Rs. 3,00,000/- as a loan for doing business, but despite demand,
he is not paying back the money on the plea that he has incurred
loss in the business.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that the alleged facts and circumstances at most constitute a dispute of civil nature and the complainant has remedy to file Money Suit for recovery of the amount. In the complaint, nowhere the complainant has alleged any *mens rea* on the part of the petitioner. As a matter of fact, on account of loss in the business, he could not have paid back the loan, otherwise he has no intention to defraud the complainant.

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 two criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, it appears that the alleged facts and circumstances at most constitute a dispute of civil nature and the complainant has remedy by way of filing the civil suit, **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. 1 of 2024, 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 any criminal antecedents, 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)

shoaib/-

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

