

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34360 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- DANAPUR District- Patna

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1. Vikash Kumar about 41 years (Male), S/o Chhotu Lal R/o Sahid Ram, govind Singh Path, P.S.- Jakkanpur, P.O.- G.P.O., Distt. - Patna
 2. Pawan Kumar aged about 31 years (Male), S/o Subhash Prasad Gupta R/o Chodharana Road Danapur, P.S.- Danapur, Distt.- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-09-2025 No one appears on behalf of the petitioners.

However, learned APP for the State is present.

2. The petitioners seek pre-arrest bail in connection with Danapur P.S. Case No. 119 of 2025 registered for the offence(s) punishable under Sections 303(2), 306, 314, 316(2), 316(5), 317(4), 318(4), 338, 336(3), 340(2) and 3(5), of the BNS.

3. As per the allegation made in the FIR, the petitioners along with Chandan Kumar have misappropriated huge amount of a company, namely, Nestle of whom the informant is a distributor.

4. Record reveals that the petitioners were associated



with the main accused Chandan Kumar, against whom there is specific allegation of misappropriation of rupees 84 lakhs of the informant's firm. Co-accused Chandan Kumar is in custody. Complicity of the petitioner in the said offence cannot be denied.

5. I find that, the matter appears to be purely civil in nature. Law in this regard is well settled by the Apex Court in the case of ***Paramjeet Batra v. State of Uttarakhand*** reported in ***(2013) 11 SCC 673***, in which, the Apex Court in paragraph no. 12, has held as follows:

"12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court."

6. The Apex has reiterated the aforesaid proposition in recent judgment of ***S.N.Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575***.



7. However, the petitioners can endeavor to settle the dispute and return back the required amount settled between the parties **well within a period of two weeks, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.**

8. Thereafter, the petitioners, if so advised, may file a fresh application for anticipatory bail along with receipt / acknowledgment of returning the required amount settled between the parties. In that case, the learned District Court is directed to consider the bail application of the petitioner and pass a fresh order, without being prejudiced by the earlier rejection order dated 19.04.2025 and observation made therein.

9. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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