

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38874 of 2025

Arising Out of PS. Case No.-2552 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

Nitesh Kumar S/o Sachidanand Nimaiyar R/o Mohalla - Pirmuhani Gali No. 1, in front of Jaipur Hotel, P.s. - Kadamkuan, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Kumar Tiwari S/o Late Dilip Kumar Tiwari R/o vill - Karnpura, P.s. - Paliganj, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manendra Kumar Sinha, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 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. 2552 of 2019, dated 21.06.2019, filed for the offences punishable under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. As per the complaint, the complainant wanted to purchase a flat and in this regard, he talked to one co-accused Sunil Kumar and he deposited some money in his account and later on, some money was also deposited in the account of the wife of the Sunil Kumar. Later on, the complainant met the accused-petitioner, who is the Director of the M/S Radha Rani Construction Company Pvt. Ltd. and this petitioner stated to the complainant that for purchasing the flat, he must have made payment in the account of the company. Subsequently, the



complainant deposited Rs.9,50,000/- in the account of M/S Radha Rani Construction Company Pvt. Ltd.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case and there is no cheating on the part of the petitioner. He further submits that the whole amount of flat must be paid in the account of the company and only thereafter company would be liable to hand over the flat to the complainant. But only part payment has been made by the complainant in the account of the company. So company has not defaulted on its part. If the whole cost of the flat is paid in the account of the company, the company will hand over the flat to the complainant. It is further submitted that if the complainant wants his money back and does not want to pay further amount, even then he is ready to pay back the money deposited in the account of the company.

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, **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. 2552 of 2019, subject to the conditions as laid down under Section 482 (2) 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 other than the disclosed one, 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.)

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