

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44992 of 2025

Arising Out of PS. Case No.-343 Year-2025 Thana- NAWADA District- Nawada

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1. Harsh Kumar S/o Late Birendra Prasad R/o Flat No. 204, Sharnam Apartment, Hanuman Sharan, P.S.- Patliputra, Mainpura, Patna
 2. Sanjay Kumar S/o Late Birendra Prasad R/o Flat No. 204, Sharnam Apartment, Hanuman Sharan, P.S.- Patliputra, Mainpura, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Madan Mohan, Advocate
For the Informant	:	Mr. Saurav Suman, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-11-2025 Heard Mr. Madan Mohan, the learned counsel for the petitioners, Mr. Saurav Suman, the learned counsel for the informant and Mr. Bharat Bhushan, the learned Additional Public Prosecutor for the State.

2. The petitioners are in judicial custody in connection with Nawada P.S. Case No. 343 of 2025, registered for the offences punishable under Sections 316(4) and 318(4) of the BNS, 2023, lodged on 04.04.2025 by the informant, Bipin Kumar Pandey.

3. As per the prosecution story, the informant alleged that pursuant to the advertisement issued by Dalitum Care Industries OPC Ovt. Ltd requiring a godown in Nawada with investment of Rs. 7 lakhs and 50 thousand and assurance of return



of 1 lakh per month, Rs. 7 lakhs 50 thousand was handed over to them, Rs. 5 lakhs 50 thousand through bank and Rs. 2 lakhs through cash. The claim is that total 33 lakhs and 50 thousand dues accrued, which was never paid and which resulted into the present case.

4. Learned counsel for the petitioners submit that petitioners genuinely wanted to run the business, failed, now want to return the amount from whom they took it. In continuation of that, the family members contacted the informant and the parties have agreed to a settlement on Rs. five lakhs and fifty thousands. To show the bona fide, a draft of Rs. fifty thousand addressed to the informant, Bipin Kumar Pandey issued by the Bandhan Bank dated 14.10.2025 has been produced before the Court. Further, undertaking is given that if granted relief, the petitioner shall paying Rs. twenty thousand by 10th of every month and failure to do so for two consecutive months, the informant shall be free to take steps for cancellation of his bail bonds. The parties have further agreed that within 60 days from the release, the payment of Rs. twenty thousand shall begin.

5. Mr. Saurav Suman representing the informant concurs with the submissions put forward by the petitioners' counsel. However, his submission is that once granted relief, the petitioners may not abide by the agreement that has been made by



the parties.

6. This Court has gone through the facts of the case and materials on record. It is unfortunate that instead of putting in energy in a positive work, such kind of act is/are undertaken by the two petitioners. However, they are in custody since 21.04.2025, are own brothers, now good sense have prevailed upon them, are ready to clear the amount. Further, to show the bona fide, Rs. fifty thousand draft has already been produced before the Court (as recorded above), an undertaking has been given that within 60 days of the release, they shall start clearing all the amount by paying Rs. twenty thousand per month by 10th of every month. Rs. fifty thousand draft has already been handed over to the learned counsel for the informant, Mr. Saurav Suman, in that background, this Court is inclined to extend them the privilege of bail with the conditions.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with **Nawada P.S. Case No. 343 of 2025**, subject to the following conditions:

(i) one of the bailor should be the family member / relative of the petitioner who shall provide official document to



show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so, for two consecutive dates, without plausible reason, will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall, in no way, try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. It is however, made clear that failure to pay the amount, the informant shall be free to take steps for cancellation of the bail bonds of the petitioners.

(Rajiv Roy, J)

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