

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48425 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- SITAMARHI District- Sitamarhi

1. Tanmoy Banerjee @ Tamnay Kumar Banerjee @ Tanmay Kumar Bandhopadhyay S/O Late Dilip Banerjee Resident of 166A Roy Bahadur Road Near Adya Mandir Behala, P.O. and P.S.- Ajs Bose Road Kolkata West Bengal 700034
2. Subhomay Banerjee @ Subhamoy Banerjee S/O Late Dilip Banerjee Resident of 166A Roy Bahadur Road Near Adya Mandir Behala, P.O. and P.S.- Ajs Bose Road Kolkata West Bengal 700034

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Advocate
	:	Mrs. Sonali Priya, Advocate
	:	Mr. Sushant Srivastava, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate
	:	Mr. Mahendra Thakur, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 05-12-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners seek bail in a case registered for
the offence punishable under Sections 406, 420 and 506 of the
Indian Penal Code.

3. The allegation in the first information report is
that the informant was approached by one Naveen Kumar who
claimed to be a Sales Executive of Bhavika Commercial Pvt.
Ltd. and introduced these petitioners as the Directors of the
company along with other officers of the company and the



informant was made to deposit an amount of Rs.25 lakh as security at the instance of Naveen Kumar for the purpose of securing the distributorship of the said company.

4. Learned counsel for the petitioner submits that very narration of the prosecution story would demonstrate that the present case is out and out civil dispute between the parties as the same relates to transaction of money between the informant and the company of the petitioners and the said F.I.R. has been lodged after inordinate delay of about two years as the money transaction in form of security, took place in the year 2022 while the present F.I.R. came to be lodged in the year 2024. It has further been submitted that the F.I.R. is clear on the point that the money was transferred in the account of the company while the company itself has not been made accused in this case, hence, there can be no vicarious liability on these petitioners, being Directors of the said company. The petitioners are in custody since 28.10.2024.

5. Learned APP for the State as well as learned counsel appearing for the informant vehemently opposed the grant of bail on the ground that the informant has been cheated of his money amounting to Rs.25 lakh by the petitioners' company and there are several criminal antecedents of the



petitioners numbering to approximately 22 cases and they being habitual offenders, privilege of bail ought not to be granted. In response to the same, a supplementary affidavit has been filed by the petitioners bringing on record the criminal antecedents of the petitioners showing as many as sixteen cases pending against them and in few of the cases they are on bail. The criminal antecedent report called for by this Court, however indicates only six cases against the petitioners, which does not seem to be correct.

6. Taking into consideration the facts and circumstances and considering the fact that the matter relates to financial transaction between two companies, thereby involving essentially civil dispute and the petitioners having remained in custody since 28.10.2024 coupled with the fact that there is delay in lodging the first information report itself, let the above named petitioners, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi/concerned Court below in connection with Sitamarhi P.S. Case No. 290 of 2024 subject to further condition that:-

(i) One bailor will be their own blood relative,



preferably, father, mother, brother, sister and/or their wife and the other bailor would be a local.

(ii) The petitioners shall co-operate in the trial and would not seek any unnecessary adjournments and if in custody in other case, they would be produced by the jail authorities. In case of non-cooperation at the end of petitioners, the learned Court concerned shall be at liberty to cancel their bail bonds.

(iii) Before accepting the bail-bond of the petitioners, the learned court below will verify the antecedent of the petitioners and the same shall be done expeditiously preferably within two weeks of receipt of the present order and in case they have more than sixteen criminal antecedents, their bail bonds shall not be accepted.

(Soni Shrivastava, J)

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