

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55118 of 2025

Arising Out of PS. Case No.-1833 Year-2023 Thana- NAWADA District- Nawada

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1. Harsh Kumar S/O Late Birendra Prasad R/O Village- Flat No. 204, Sharnam Apartment, Hanuman Sharan, P.S- Patliputra, Mainpura, Patna.
 2. Sanjay Kumar S/O Late Birendra Prasad R/O Village- Flat No. 204, Sharnam Apartment, Hanuman Sharan, P.S- Patliputra, Mainpura, Patna.
 3. Pramod Kumar S/O Ram Bahadur Mahto R/O Shitalpur, P.S- Dighwara, Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madan Mohan, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Rajnish Ranjan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-11-2025 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 420, 406, 506 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The allegation in the first information report is that the petitioners had asked the informant to make some investment in their company for starting a scrubber manufacturing centre for which payment of Rs.10,33,760/- was made in favour of the petitioners but the centre did not start functioning within timeline provided and on demand of money back, three cheques were given by the petitioner no.1 to the informant, all of which bounced.

4. Learned counsel for the petitioners submits that



it would be evident from the first information report that the allegations are in relation to some business transaction between the parties and as a matter of fact, it is the informant who owes some money to the petitioners with regard to which he has filed Annexure-3 series which are the bills of payment. It has also been submitted that the informant has filed a separate complaint case on 26.05.2023 under the Negotiable Instruments Act which is Annexure-2 to the present bail petition and subsequently, the F.I.R. for the same cause of action was filed on 29.11.2023, causing harassment to the petitioners.

5. Learned APP for the State and the learned counsel appearing for the informant have vehemently opposed the grant of bail on the ground of allegations made in the first information report and also on account of several antecedents of the petitioners which is related to similar offences. The learned counsel for the informant has denied the fact that no money is outstanding at his end and it is rather the petitioners who have misappropriated the money of the informant and defrauded him. In response, learned counsel for the petitioners has submitted that the petitioners have already been granted bail in all the cases which have been given as criminal



antecedents and they have been languishing in custody since 01.05.2025.

6. Taking into account the facts and circumstances and considering that the matter relates to business transaction and hence, essentially involves a business dispute for which a separate case has also been filed by the informant, the above named petitioners are directed to be enlarged 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 Court below where the case is pending/successor Court in connection with Nawada P.S. Case No.1833 of 2023 subject to the following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioners are directed to co-operate in the trial and in case the Trial Court is of the opinion that they are trying to evade the process of law and not cooperating in the trial, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Soni Shrivastava, J)

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