

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58630 of 2025

Arising Out of PS. Case No.-247 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Hamid Hussain @ Sonu S/O Md. Saud Resident of Village- Chaklevaini,
Ward No. 10, P.S- Waini, Dist.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Nizam S/O Md. Salim R/O Village- Mohiuddinpur, P.S- Warisnagar,
Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 15-11-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State. No one appears on behalf of the O.P. No.2.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 420 of the
Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that petitioner disclosed that he is in need of money for
starting a fruit business at Delhi, accordingly, the complainant
paid an amount of Rs.13 lacs to the petitioner for starting the
business in the year 2021 and it was agreed that the amount
shall be repaid within a period of 3 months, when the amount



was not returned, a panchayati was convened, wherein an agreement was entered in between the petitioner and the complainant that petitioner will return the amount within 3 months and in the event if the amount is not repaid within a period of 3 months, the complainant would be at liberty to approach the court of competent jurisdiction by filing a case for recovering the amount.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of Annexure-2 to the anticipatory bail application, which is a Panchnama dated 21.08.2021, it would manifest that the same records that petitioner and the complainant in a partnership had invested for starting a fruit business but the petitioner out of the invested amount, spent on his personal use, on account of which, a dispute arose and on intervention of well-wishers a panchayat was convened, wherein it was decided that petitioner will return an amount of Rs.13 lacs to the complainant within a period of 3 months and if the petitioner is not able to return the amount within a period of 3 months, in that event, the complainant would be at liberty to approach a Court of competent jurisdiction for recovering his dues. The learned counsel for the



petitioner submits that from perusal of the agreement, it would manifest that it records that petitioner and the complainant in a partnership had invested money for starting a fruit business but thereafter a dispute arose, as complainant started alleging that petitioner spent the invested amount for his personal use. It is next submitted that agreement also recorded that in the event if the petitioner does not return the amount within a period of 3 months, in that event, complainant would be at liberty to approach a Court of competent jurisdiction for recovering his dues. It is submitted that if what is being alleged by the complainant is true, in that event, the complainant ought to have approached a Court of competent civil jurisdiction by filing a suit for recovering the amount, where the petitioner could have appeared and would have got a chance to rebut the claim of the complainant but the complainant instead of approaching a Court of competent civil jurisdiction, instituted a false criminal case with a view to coerce the petitioner into submission, so that he parts with the fanciful demand of the complainant. It is next submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then is not in a position to



rebut the submission of the learned counsel appearing on behalf of the petitioner, based on Annexure-2 to the anticipatory bail application that it was agreed in between the parties that if the amount is not returned by the petitioner within a period of 3 months, in that event, the complainant can approach a Court of competent jurisdiction by filing a case for recovering his money but then the agreement in no manner even remotely suggested that the money was to be recovered by instituting a criminal case.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with C.R. Case No.247/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the framing of charge or after framing of charge



is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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