

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57707 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- GAUNAHA District- West Champaran

Prakash Jaiswal, S/o Suresh Jaiswal, R/o Mani Tola, P.S- Gaunaha, Distt.-
West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Sharda Mahto, Daughter of Aadiram Mahto Padi Nagarpalika, Ward no.4,
P.S.- Basantpur, District- Chitwan, Nepal.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Dharmesh Kumar Chaubey, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Gaunaha PS. Case No.88 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 316(2), 318(4), 351(2) of the B.N.S., 2023.

3. As per allegation, the Informant, who runs a beauty parlor in Nepal has given Nepali Rs. 80,00,000/- to the Petitioner in cash for the purpose of doing business and to be returned back. However, after 5-6 months when the Informant



started demanding the money back from the Petitioner, he did not pay it.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that it is improbable story that a person running a beauty parlor in Nepal can afford to pay Rs. 80,00,000/- Nepali Rupee to the Petitioner without any documentation and it is also improbable that the Petitioner would come to India with such a huge cash amount for doing business. Moreover, there is no document at all. Even the claim of the Informant that one affidavit was executed by the Petitioner in Civil Court Bettiah to return the money is false and fabricated. Even the claim of the Informant that he had given legal notice to the Petitioner is also false and fabricated. The whole allegation is without any basis. He also submits that even as per the best case of the Informant, this is a civil dispute and the Informant has remedy to file civil suit for recovery.

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 petition that the petitioner has been made accused in one other



case in which he is on bail.

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 Gaunaha PS. Case No.88 of 2025, subject to the conditions as laid down under Section 482 (2) of the 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 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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