

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64620 of 2024

Arising Out of PS. Case No.-315 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Sudheer Kumar Agrawal @ Sudheer Agrawal @ Sudhir Kumar Son of Late
Vishwanath Prasad @ Late Vishwanath Prasad Agrawal Resident of 86B,
Amlapatti, Main Road Motihari, P.S. - Motihari Town, District - East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Braj Kishore Singh Son of Late Ranjeet Singh Resident of Village- Mathia
Bhopat (Fulwar), P.S. - Lakhaura, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliari, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in
connection with Ghorasahan P.S. Case No. 315 of 2021 for the
offence under Sections 406, 420, 504, 506 and 34 of the I.P.C.

3. As per the prosecution story, the informant has
alleged that the son of the petitioner, namely Abhishek Agarwal,
who projects himself on Facebook as interior designer engineer
and runs his business in the name of M/S Decor India, executed
an agreement with him to complete his residential house for
consideration of Rs. 12,00,000/-. The petitioner has paid Rs.
11,50,000/- on different occasions through cash and bank



transfer but he neither completed the work nor returned the money. It is further alleged that one co-accused namely, Nitesh Sharma who is manager/supervisor of the company grabbed the money of the informant and threatened for dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case with ulterior motive. The petitioner is father of co-accused Abhishek Agarwal and he has his own established business of his son, but with sole motive of pressurising him, his father has been arrayed as an accused in the present case without any material against him. Neither the petitioner met with O.P. No. 2 nor he has signed the agreement in any matter nor has received any amount. It is also pertinent to mention that the petitioner does not know anything about the work of his son, and he is an old man of more than 60 years. Co-accused Nitesh Sharma is not the employee of the son of the petitioner, rather he is private surveyor who often works with the son of the petitioner but has no interaction with the petitioner. It is admitted in the prosecution case that the agreement of completion of building was with co-accused Abhishek Agarwal and money was paid to him. Therefore, dragging the name of the petitioner in the F.I.R. is nothing but an abuse of process of



law.

5. Learned APP opposes the prayer for bail.

6. From perusal of F.I.R. itself, it appears that the entire alleged agreement has been made with Abhishek Agarwal not with the present petitioner. Moreover, this is a Civil dispute. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 3rd, Sikarhana at Dhaka, Motihari, East Champaran, in connection with Ghorasahan P.S. Case No. 315 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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