

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61173 of 2025

Arising Out of PS. Case No.-2129 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. RAM BABU GUPTA @ RAM BABU S/O LALLU RAM RESIDENT OF PRATIKSHA OPTICAL, MAHMUDPUR, MANAURI BAZAR, POST-MANAURI, P.S.- SALAHPUR MUFTPURIYA, DISTRICT- KAUSAMBI (UTTAR PRADESH.)
 2. Pratima Gupta W/o Ram Babu Gupta @ Ram Babu RESIDENT OF PRATIKSHA OPTICAL, MAHMUDPUR, MANAURI BAZAR, POST-MANAURI, P.S.- SALAHPUR MUFTPURIYA, DISTRICT- KAUSAMBI (UTTAR PRADESH.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tushar S/o Manoj Kumar Gupta Resident at Garden view, Boliya Par Gali No. 3 near R.V.P. Sinha Salimpur Ahra, P.S.- Kadamkuan, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Deo Raj
For the State	:	Mr.Ajay Kumar No. 2
For the complainant	:	Mr. Dhaneshwar Prasad Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-09-2025 1. Learned Counsel for the petitioners, at the very outset, informs that the petitioner no. 2, Pratima Gupta, died during the pendency of this application on 02.09.2025 and this application, so far as petitioner no. 2 is concerned, has become infructuous. He has produced a copy of the death book of Max Healthcare, Lucknow, let the same be kept on record of this case.
2. Accordingly, this application, so far as petitioner no. 2, is concerned, is dismissed as having become infructuous.



3. This application will now survive only for petitioner no. 1.
4. Heard learned Counsel for the petitioner, learned Counsel for the complainant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
5. This application, for grant of anticipatory bail, arises out of Complaint Case No. 2129 of 2024, in which cognizance has been taken for the offences punishable under Section 406 of the Indian Penal Code.
6. The prosecution case, as per the complaint, is that Pratima Gupta is the own sister of the mother of the complainant, who also died due to cancer. On the request of petitioner and Pratima Gupta, the mother of the complainant transferred Rs. Fifty thousand in the bank account of Pratima Gupta, and when the complainant and her mother demanded the money back, the petitioner and Pratima Gupta refused to return the money.
7. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged amount of Rs. 50,000/- was transferred in the bank account of Pratima Gupta out of financial help for the daughter's



education of the petitioner.

8. On the other hand, learned Counsel for the complainant- Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that it is the petitioner on whose request money was transferred by the complainant in the bank account of Pratima Gupta and despite many request by the mother of the complainant, the accused persons did not return the money.
9. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are closely related and the alleged amount of Rs. 50,000/- was transferred in the bank account of Pratima Gupta, who has, now, been dead, the allegation against the petitioner is general and omnibus in nature, I am inclined to grant the petitioner privilege of anticipatory bail.
10. This application is, accordingly, allowed.
11. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate, 1st Class, Patna, in connection with
Complaint Case No. 2129 of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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