

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63516 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- Banma Itahari District- Saharsa

Achal Harsh @ Achal Shiva S/O Late Anil Kumar Verma R/o - Priya Nagar,
P.O - Sugma, Panchyat-Jamalpur, P.s - Banma, Itahari, District - Saharsa-
852201. At Present R/O Santnagar, Gangajala, Ward no. 35, P.S. and Dist.-
Saharsa- 852201

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Pandit S/o- Chandeshwari Pandit R/o Vill- Rasalpur Tola-
Hasanpur, Ward no.-13 Block- Banma Itahari PS- Salakhua Dist- Saharsa
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Swami Parth Sarthy, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, A.P.P.
For the O.P. No. 2	:	Mr. Sanjeev Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-12-2025 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in case registered for
the offences punishable under Sections 318(4), 316(2) of the
Bharatiya Nyaya Sanhita.

3. As per prosecution case, informant, in the name of
medical treatment, gave Rs. 2 lacs in cash and Rs. 6,99,682/-
(Rs. Six Lacs Ninety Nine Thousand Six Hundred Eighty Two
Only) through banking mode to the petitioner. It is alleged after
receiving total amount of Rs. 8,99,682/- (Rs. Eight Lacs Ninety
Nine Thousand Six Hundred Eighty Two Only) from the
informant, this petitioner did not pay for the treatment of



informant rather he used the money for his personal needs, thus, committing fraud with the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. As a matter of fact, entire amount, as alleged in the F.I.R., has already been paid by the petitioner to one Ganesh Pandit, who is own brother of the informant and as such, petitioner is not liable to pay any amount to informant.

5. Learned counsel for the informant vehemently opposed the bail application and submitted that petitioner has returned only Rs. 2,07,000/- (Rs. Two Lacs Seven Thousand Only) into his and his brother's bank accounts through UPI mode on different dates.

6. Considering the fact that petitioner has returned only Rs. 2,07,000/- (Rs. Two Lacs Seven Thousand Only) out of total Rs. 6,99,682/- (Rs. Six Lacs Ninety Nine Thousand Six Hundred Eighty Two Only), which was paid to the petitioner through banking mode, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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