

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65388 of 2025

Arising Out of PS. Case No.-1329 Year-2023 Thana- COMPLAINT CASE - DANAPUR
District- Patna

Ashutosh Kumar, S/o Amar Nath Jha, R/o Village- Goloma, P.S.- Sourbazar,
District- Saharsa at present residing at 401 Keshar Vila Apartment, R.P.S.
More, Bailey Road, P.S.- Rupaspur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Prasad Choudhary, S/o Late Devi Choudhary, Resident of Raushan
Vihar Colony, Saguna Mor, P.S.- Danapur, District- Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39490 of 2025

Arising Out of PS. Case No.-1329 Year-2023 Thana- COMPLAINT CASE - DANAPUR
District- Patna

Anupma Singh, W/O Sri Ashutosh Kumar, R/O village- Golma, PS-
Saurbazar, district- Saharsa At present residing at 401 Kesar Vila Apartment,
RPS Mor, Bailey road, PS- Rupaspur, district- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Prasad Choudhary S/o Late Devi Choudhary Resident of Raushan
Vihar Colony, Saguna Mor, PS-Danapur, Dist-Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65388 of 2025)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

For the Opp. Party No.2 : Md. Ataul Haque, Advocate

(In CRIMINAL MISCELLANEOUS No. 39490 of 2025)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

For the Opp. Party No.2 : Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-11-2025 Heard learned Advocate for the petitioners and the

learned Advocate for the State as well as learned Advocate for



the opposite party no.2.

2. The petitioner in Cr. Misc. No. 65388 of 2025 is said to be the Chief Executive Officer whereas the petitioner in Cr. Misc. No. 39490 of 2025 is the Proprietor of the firm Anupam Sales and Services Private Limited.

3. Both the petitioners are apprehending their arrest in connection with Complaint Case No. 1329 (C) of 2023 wherein cognizance has been taken for the offences punishable under Sections 420, 406, 120(B)/34 of the Indian Penal Code.

4. The complainant alleges that while he was holding the post of Engineer-in-Chief, the petitioner no.1 came to his office by producing himself as wealth Manager and persuaded him to join the business. It is also alleged that petitioner in Cr. Misc. No. 39490 of 2025 was engaged in running school, namely, "Uraan" and used to distribute blanket to the poor and gradually both became friend. Thereafter on a proposal for opening a big shop of electrical goods, the complainant in the month of December, 2016 invested a huge capital, whereupon he was promised by the petitioner to give good profit. Soon thereafter the informant further gave a cheque of Rs.10,00,000/- (Ten Lakh) to petitioner (Ashutosh Kumar). The parties executed a Memorandum of Understanding but despite the



assurance given by the petitioners, they did not pay any profit to the informant. In sum and substance, the informant has given Rs.48,00,000/-, but he has been deprived from the benefit of the firm. The petitioners also undertake that they will return the benefit, but refused to do so, which led to filing of the complaint case.

5. Learned Advocate for the petitioners submitted that admittedly from the Memorandum of Understanding, it appears that both the parties were the party to the Memorandum of Understanding and they started a firm with a clear stipulation that second party agreed for funding Rs.50,00,000/- (Fifty lacs) and the second party will invest for development of the Firm, with a further stipulation to return 55% profit to second party. However, subsequently on account of spread of Covid-19 pandemic the firm went in loss and thus no profit could be earned by the firm and, as such, all the members have deprived from the profit. The aforesaid fact also strengthen from the submissions that the petitioners have also pledged their valuables in order to obtain loan for the purposes of exploring their business, however, the same did not prove well. It is further contended that if the allegation is taken to be true, as alleged in the Complaint case, no case under Sections 420 and



406 of the Indian Penal Code is made out against the petitioners. There is no material available on record, which suggests that the intention of the petitioners was to cheat the informant at the inception.

6. On the other hand, learned Advocate for the Opposite Party No.2 and learned APP for the State opposed the bail application and submits that the petitioners have given an undertaking that they will repay their invested amount, but later on refused to do so.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that prima facie the dispute pre dominantly appears to be a business dispute between the parties, besides the materials available on record shows, there was no intention to cheat at the inception, and the petitioners also bear fair antecedent, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Danapur in connection with Complaint Case No. 1329 (C) of



2023, subject to the condition as laid down under Section 482
(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the
further condition that one of the bailors shall be the own/close
relative of the petitioners.

(Harish Kumar, J)

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