

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79985 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAJEKALA District- Patna

Shyam Nandan Lall S/O Late Udho Nandan Lall R/O Mohalla- Madarsa
Sulemania Lane, Nawab Bahadur Road, P.S.- Khajekala, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Syed Faizan Mehndi S/O Syed Ishrat Hussain C/O Musa Ali Khan, R/O
Chua Lal Lane, Nawab Bahadur Road, Patna. Permanent R/O Aurangaband,
Saraiya, P.S.- Amjhor, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rishi Raj Raman
For the Opposite Party/s	:	Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Khajekala P.S. Case No. 23 of 2023 registered under
Sections 420, 406 and 34 of the Indian Penal Code.

3. As per prosecution case, this petitioner along with
his associates entered into an agreement with informant.
Pursuant to the agreement, informant was to receive 7.25% per
month on the capital amount. Thereafter, informant, his family
members and his friend invested Rs. 60 lakhs in the firms of
petitioner, namely, Rajni Enterprises and Rajni Coal Ltd.
Company. Till December 2021, 7.25% of profit was credited to



their account. But from January, 2022, informant came to know that the accused persons invested his money in some other place. In this way, petitioner along with his associates committed fraud in a planned manner and embezzled money of informant, his family members and his friend.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Entire grievance of the informant is against co-accused Mohnish Kumar and petitioner has been made accused merely because he happens to be father of c-accused Mohnish Kumar. He further submits that Mohnish Kumar is the proprietor of Rajni Enterprises and M.D. of Rajni Coal Ltd. and petitioner is simply a member of Board of Directors and has got no concern with the alleged transaction between co-accused Mohnish Kumar and informant. Learned counsel further submits that entire investment was made in the business and a person, who has invested an amount in the business, cannot claim guarantee returns. Once the amount has been invested with clear intention to do business and loss is suffered in the business, there cannot be any guarantee return. The dispute arises out of business partnership, which is civil in nature. The present case has been filed by the informant only with a view to recover the amount,



which has been invested by him (informant) in the said business.

5. Learned A.P.P. vehemently opposes the prayer for bail and submits that petitioner is named in the F.I.R. with specific allegation that he alongwith his associates, named in the F.I.R., committed fraud of Rs. 60 lacs. He further submits that petitioner has got three criminal antecedent of similar nature.

6. Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

anay

U		T	
---	--	---	--

