

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76438 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- DALMIYA NAGAR SAHAYAK District-
Rohtas

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1. Lal Bihari Gupta @ Lal Bihari Seth S/O Lt. Nathuni Seth R/O Mohalla-
New Sidhauli, P.S.- Dalmianagar, Dist.- Rohtas.
 2. Ajay Kumar S/O Lal Bihari Gupta @ Lal Bihari Seth R/O Mohalla- New
Sidhauli, P.S.- Dalmianagar, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Keshwar Singh S/O Rajpati Singh R/O Vill and Post.- Gangwali, P.S.-
Dalmianagar, Dist.- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Dalmianagar P.S. Case No. 87/2025 instituted under Sections 406/420 of IPC lodged on 21.04.2025 by the informant, Ram Keshwar Singh.

3. As per the prosecution case, it has been alleged that the accused/petitioners have played fraud with the informant by not returning his ornaments which were purchased from the accused/petitioners in the year 2019. The informant had actually purchased some gold ornaments weighing 125 Gms from the accused/petitioners which were not of the quality as asserted by the accused/petitioners and when the informant



complained, the accused/petitioners assured him to give pure gold and took all the gold ornaments from the informant without any paper work and till date, they have not returned the same to the informant neither in the form of money nor in the form of jewellery. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of false and fabricated allegation and they have not committed any offence as alleged in the FIR. It has next been submitted that initially a complaint case was registered after lodging/registration of FIR filed by the petitioner against the complainant *vide* Dehri PS Case No. 548 of 2023 under Sections 406 and 420. In the said complaint case, the learned SDJM, Dehri, Rohtas directed the registration of FIR in exercise of the power conferred under Section 156(3) of CrPC. It has next been submitted that from the allegation, it appears that the nature of allegation for which the instant FIR has been registered by the police is purely civil in nature and the case which was lodged by the petitioner against the complainant in which the complainant, is already on bail and these petitioners have got clean antecedent.

5. Learned APP vehemently opposes the prayer for anticipatory bail.



6. Considering the submission of the parties and the nature of case being purely civil in nature and the petitioners have got the clean antecedent, this Court is inclined to extend the petitioners the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas subject to the conditions as laid down under Section 482(2) of the BNSS as also subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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