

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.661 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- Safiyasarai District- Munger

1. Hemant Kumar Goswami @ Hemant Kumar S/O Banipati Goswami
Resident of Heruiyara, P.S.- Kasim Bazar, District- Munger
2. Prabhanshu Kumar @ Prabhanshu Kumar Goswami @ Gopal S/O Banipati
Goswami Resident of Heruiyara, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal
For the State	:	Mr. Rita Verma
For the Informant	:	Mr. Shrinandan Pd. Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-03-2025 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with Safiyasarai P.S. Case No. 98 of 2024, registered for the offences punishable under Sections 420, 406, 467, 504, 506/34 of the Indian Penal Code.

3. The prosecution case in brief is that the informant and the petitioners were close friends and for doing business, petitioners took loan of Rs. 23 Lakhs on different dates. When the money was not returned, a panchayati was held on 01.06.2021 and before the panchas, petitioners gave assurance to return the money during five months but they did not return the same and



prepared a forged and fabricated documents regarding payment of said loan. It is alleged that on 30.08.2024 when the informant demanded his money petitioners started abused and assaulted the informant.

4. Learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case. He further submits that as a matter of fact, Sudhanshu Kumar co-accused is the owner of the two brick kiln and he runs his business in the name and style of M/s Goswami Brick Industries Heru Diyara and he has good relationship with the informant and after retirement informant invested Rs. 23 Lakhs in the business of petitioner no. 1 and after sometime he started taking money from the petitioner no. 1 and lastly as a full and final payment of Rs. 23 Lakhs paid to the informant for which a deed/document was prepared before the panchas on 10.10.2021. Apart from this present criminal case, informant has also filed a money suit against the petitioner no. 1 vide Money Suit No. 20/2022 in which co-accused Sudhanshu Kumar has appeared and filed his written statement. The dispute is purely civil in nature.

5. Learned APP for the State and learned counsel for the informant vehemently have opposed the prayer for



anticipatory bail of the petitioners. Petitioner no. 1 is having two criminal antecedents and in both cases he is on bail whereas petitioner no. 2 is having three criminal antecedent.

6. Considering the aforesaid facts of the case and also the dispute is purely civil in nature, the prayer for anticipatory bail of the petitioners are allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, in connection with Safiyasarai P.S. Case No. 98 of 2024, subject to condition as laid down under Section 438(2) of the Indian Penal Code.

(Prabhat Kumar Singh, J)

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