

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.467 of 2025

Arising Out of PS. Case No.-9080 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rambali Kumar, S/o Late Lakhan Prasad @ Late Lakhan Prasad Yadav, R/o
village - Mahsai, P.S. - Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Digvijay Kumar Ojha, Advocate Mr. Kamal Kishore Sinha, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, Advocate
For the Complainant	:	Mr. Sumit Kumar, Advocate Mr. Kumar Vikram, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the complainant.

2. In the present case, the petitioner seeks bail in
connection with Complaint Case No.9080 of 2022 for the
alleged offences under Sections 420 and 506 of the Indian Penal
Code.

3. As per prosecution case, the complainant and his
acquaintance gave Rs. 66 lacs to the petitioner on pretext of
getting partnership in the business being carried out by the
petitioner and subsequently, the complainant came to know that
he was duped of his money and the cheques given by the
petitioner were dishonoured.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the allegations are false and frivolous. The complainant and his son are in the habit of filing frivolous cases against the petitioner and others and four such cases have been filed against the petitioner by them for the same cause of action. The petitioner has already filed Complaint Case No. 3166 (C)/ 2020 dated 17.12.2020 against the son of the complainant and after coming to know about the said case, the complainant and his son have started filing cases against the petitioner. For the same cause of action, the son of the petitioner has lodged Complaint Case No. 3698 (C) /2021 dated 01.09.2021 against the petitioner and, thereafter, two complaint cases have been filed by the complainant and his son bearing Complaint Case No. 9345 (C) / 2022 dated 03.08.2022 and Complaint Case No. 9080 (C) /2022 dated 28.07.2022. The son of the complainant has also filed Jakkanpur P.S. Case No. 501/2021 dated 27.09.2021 with same allegation against the petitioner in which the petitioner has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 15.01.2024 passed in Cr. Misc. No. 4512 of 2023. The learned counsel further submits that the petitioner did not take a single penny either from the complainant or his son



and if there is any partnership deed, as claimed by the claimant, the same could be enforced by available civil remedy against the petitioner and not by filing the criminal case. The learned counsel further submits that the allegation of giving Rs. 50 lacs in cash is not believable though comparative small amount of Rs.16 lacs is shown to be given through RTGS. The said amount was transferred by one Ranji Kumar and the said amount has been returned in his account. The learned counsel further submits that the petitioner has been made accused in altogether ten cases, out of which five cases have been filed by the complainant and his son and his acquaintance. The petitioner is in custody since 21.10.2024 and charge sheet has been submitted.

5. Learned APP as well as learned counsel for the complainant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the complainant submits that the petitioner is in the habit of duping people of their money and has taken money giving inducement of becoming partners with the petitioner in his fisheries business. The petitioner issued cheques on closed account and gave instruction of stop payment, which shows the petitioner has been cheating people of their money. The learned counsel further submits that the petitioner entered into agreement with



the complainant and took money from him which he subsequently embezzled and did not return and issued cheques which were not honoured.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the filing of a number of cases based on same cause of action and further considering the nature of dispute and also considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, in connection with Complaint Case No. 9080/2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bonds of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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