IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4486 of 2026

Arising Out of PS. Case No.-415 Year-2024 Thana- BUXAR District- Buxar

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Mukesh Kumar @ Mukesh Kumar Sarraf S/o Vijay Kumar @ Vijay Kumar Sarraf R/o Old Aluminum Factory, Naibajar, PS- Buxar Nagar Thana, District- Buxar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar Singh S/o Dharmraj Singh R/o vill - Rampur, P.s.- Badhara Ara, Distt.- Bhojpur, Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Apurv Harsh, Advocate
		Mr. Manu Tripurari, Advocate
		Mr. Raghu Raj Pratap, Advocate
		Ms. Tanu Priya, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the O.P. No. 2	:	Mr. Rajesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 07-05-2026 Heard learned counsel appearing on behalf of the petitioner; learned APP for the State and learned counsel for O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection with Buxar Nagar Thana P.S. Case No. 415 of 2024 registered for the offence(s) punishable under Sections 406, 467, 468, 471/34 of the Indian Penal Code and Section 138 of N.I. Act.

3. As per the allegation made in the FIR, the informant paid an advance amount of Rs.60 lakhs to Mukesh Kumar Sarraf (the petitioner), his brother Randhir Sarraf, and

his father Vijay Sarraf for the purchase of a property. Subsequently, upon inquiry, the informant discovered that the said property was disputed and encumbered with several legal issues. Thereafter, the informant approached the petitioner and demanded refund of the aforesaid amount of Rs.60 lakhs. In response, the petitioner issued five cheques of Rs.12 lakhs each, totaling Rs.60 lakhs. However, when the said cheques were presented for encashment, they were dishonoured by the bank, compelling the informant to lodge the present FIR.

4. Mr. Apurv Harsh, learned counsel appearing on behalf of the petitioner, submitted that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel further submitted that it is not disputed that the informant had advanced a sum of Rs. 26,95,000/- to the petitioner through bank transactions. However, it has been falsely alleged that the petitioner, along with his family members had induced the informant to invest the said amount in Axis Bank under a scheme namely “Savings–Easy Access” bearing Account No. 922010053439734 for the period commencing from 01.04.2023 to 31.12.2023. It is further submitted that all transactions are duly reflected and verified from the bank statements relating to the said account. Learned

counsel further submitted that the petitioner is ready and willing to return the entire amount claimed by the informant, subject to proper verification of the mode and manner through which the remaining amount of Rs. 26,95,000/- is alleged to have been transferred or paid, and therefore, the petitioner seeks his release on pre-arrest bail.

5. *Per contra,* Mr. Rajesh Kumar Jha, learned counsel appearing on behalf of O.P. No. 2, submitted that the informant is an ex-serviceman and that the petitioner, in connivance with his family members, dishonestly induced him to part with a sum of Rs. 60 lakhs on the pretext of providing a property. Learned counsel submitted that despite receiving the said amount, neither was any specific property disclosed nor has the amount been returned to the informant. It is further submitted that the petitioner had issued five cheques of Rs. 12 lakhs each, totalling Rs. 60 lakhs, towards repayment of the amount received from the informant. However, upon presentation, all the cheques were dishonoured by the bank. Learned counsel further submitted that the petitioner has three criminal antecedents, out of which two are of similar nature, being habitually involved in the offences. It is, therefore, contended that a clear case of cheating and fraud is made out

against the petitioner and, as such, he don't deserve to be released on pre-arrest bail.

6. Mr. Ajit Kumar, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that the petitioner by way of Annexure P/4 has brought certain transaction which cannot relate that the same is between the informant. The informant though has filed a counter affidavit being an ex-service man has not given description regarding his bank account. It is admitted by the parties that for total amount of rupees sixty lacs, as claimed by the informant, the petitioner has issued five cheques, amounting to rupees twelve lacs each. Further referring to Annexure P/4, learned counsel submitted that the complicity of the petitioner along with the informant cannot be denied, considering that the scheme in which the petitioner and O.P. No.2 both have invested which is run by the Axis Bank and from the statement brought on record, it appears that name of scheme is "Saving-Easy Access". O.P. No.2/the informant has also contributed in the said account, opened in the name of Mukesh Kumar (petitioner), Old Allmuniam Factory, Naibajar, Buxar. Learned counsel further submitted that it cannot be said that both the parties have jointly proceeded to commit fraud with the State Government in

payment of tax dues on account of business transaction which may be in respect of Central GST, as well as, State GST. He further submitted that the transaction reflects for the period 01.04.2023 to 31.12.2023 is of huge amount and such huge amount cannot be in respect of any simple business run by the parties. In these backgrounds, learned counsel submitted that the petitioner don't deserve to be released on pre-arrest bail, as he has not come before this Court with clean hands.

7. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR, this Court finds that the informant claims to have transferred certain amounts into the petitioner of the petitioner in a scheme namely "Saving Easy Access" which is verifiable from the account opened in the Axis Bank (Annexure P/4). This Court has also perused the details of the transactions and the manner in which deposits were made into the account of the petitioner, as well as, the pattern in which amounts were credited and debited therefrom. The petitioner has specifically marked certain entries in the bank statement issued by the Bank to show deposits allegedly made by the informant on different dates. The transactions pertain to the period from 01.04.2023 to 31.12.2023, during which an amount of Rs. 1,12,10,788.07 was

debited and an amount of Rs. 1,12,11,302/- was credited in the said account. From the nature and volume of the transactions reflected in the account statement, this Court is of the *prima facie* view that the petitioner cannot be said to be merely an ordinary land broker his past record is also not sound. It further appears that substantial amounts have been withdrawn in cash and transactions have also been carried out with certain entities and organizations such as Chaitanya Federation, Shaker Traders, Ujjivan Small Finance Bank Limited and other such concerns.

8. What further emerges from the transaction details brought on record by way of Annexure P/4 is that the petitioner appears to be involved in large-scale monetary transactions. However, except for one entry relating to GST charges amounting to Rs. 94.40 towards cheque book charges and another amount of Rs. 2,292.82 charged by the Bank towards cash and RTGS transactions, there appears to be no clear disclosure regarding the nature and source of the transactions reflected in the account. In such circumstances, this Court deems it proper to direct the Income Tax Department to furnish details regarding the tax assessed and paid by the petitioner for the preceding six financial years up to the current financial year. Similarly, the State Tax Department is directed to furnish details

relating to the Central GST, as well as, State GST paid by the petitioner in respect of any goods or business transactions before the learned District Court within a period of three weeks. The learned District Court upon receipt of the relevant information, shall pass a fresh order in accordance with law without being prejudiced by its earlier order dated 25.11.2025, rejecting the prayer for bail of the petitioner forthwith, preferably within one week.

9. Let a copy of this order be communicated to the Principal Chief Commissioner of Income Tax, Bihar.

10. The present bail application stands disposed of.

(Purnendu Singh, J)

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