

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10997 of 2026

Arising Out of PS. Case No.-557 Year-2024 Thana- PURNEA SADAR District- Purnia

Gulshan Kumar @ Gaurav @ Gulshan Kumar Jaiswal Son of Dilip Kumar Jaiswal @ Dilip Prasad Jayswal Resident of Chandan Nagar, Gulab Bagh, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Ismail S/o Jamil Ahmad, R/o Dhaura Tanda, Bhojipura P.S., Bareilly District , Uttar Pradesh

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 13-07-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sadar P.S. Case No. 557 of 2024 instituted for the offence under Sections 316(5), 316(2), 318(4) & 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is that the petitioner induced the informant to transfer Rs. 8,00,000/- on the false assurance of supplying two truckloads of goods, but neither delivered the goods nor returned the money. It is further alleged that when the informant later traced the petitioner and the proprietor of Sai Baba Traders, they allegedly abused him and threatened him



with dire consequences.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.07.2025. Petitioner bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. The learned counsel for the petitioner submits that the present prosecution case is an abuse of the process of law, as the alleged occurrence pertains to the year 2022 whereas the F.I.R. was instituted only on 26.09.2024 after an unexplained delay of about two years. It is further submitted that the bills relating to the alleged supply of goods were issued in the name of M/s Sai Baba Traders, owned by Shiv Kumar Sah, and that the petitioner neither received any money nor had any concern with the alleged transactions relating to the chicken feed. According to the petitioner, his only role was to introduce the informant to Shiv Kumar Sah, and he had no involvement in the alleged financial dealings. It is, therefore, contended that the dispute, if any, is purely civil in nature and has been wrongly given a criminal colour by lodging the present case.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner. Charge sheet has already been submitted in this case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar P.S. Case No. 557 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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