IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16438 of 2026

Arising Out of PS. Case No.-16082 Year-2024 Thana- PATNA COMPLAINT CASE District-Patna

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Mahesh Dev S/O Late Krishna Chandra Sah Resident of Mahesh Nagar, Road no. 1, P.S- Patliputra, District- Patna, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Dev Braham Sah S/O Late Krishna Chandra Sah R/O Mahesh Nagar, Road No. 1, P.S- Patliputra, P.O- Keshari Nagar, Distt.- Patna, Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv
		Mr.Puneet Siddhartha, Adv
For the Opposite Party/s	:	Mr.Uday Pratap Singh, APP
		Md. Naushad Uzzoha, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 07-04-2026

1. Heard learned counsel senior for the petitioner, Sri Ramakant Sharma; learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 316(2), 318(4), 336(1), 338, 351(2), 351(3), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that he along with his brother stated a private company in the name of MDS Infra Nirman Pvt. Ltd. registered under the

Companies Act and both were directors of the company, the company took loan from Canara Bank, the Bank granted loan to the company and the loan was secured by way of mortgage of commercial flat No. 202 having built up area of 1204 sq. ft at Paijat Business Centre, Fraser Road, Patna, further cash credit loan facility was given to the company up to the extent of Rs. 30 lakhs, next alleges that mother of the complainant and the petitioner, namely, Sandhya Devi was the owner of the flat no. 202, further Sandhya Devi died on 28-2-2020, who was the guarantor of the loan, leaving behind 3 sons including the complainant and the petitioner as her legal heirs, further complainant and his brother Vishnu were of the view of freeing the flat from mortgage after paying the loan amount, so that the property could be partitioned amongst the three brothers, but the petitioner did not agree and stopped paying the loan amount, further complainant in April 2025 wrote a letter to the Bank for ending the old Board resolution and to create a new Board of Directors, further complainant received an e-mail from the company that petitioner is intending to induct his wife (Jyoti) as Director of the company. It is further alleged that the petitioner usurped Rs. 1 crore which was lying in the account of the company for his own use, next alleges that cash credit of the company was classified as NPA on 5-3-2022 and the flat was put on auction by the Bank and the same was purchased by Jyoti Devi for an amount of Rs. 46,16,000/- and the Bank again gave loan of Rs. 17 lakhs against the said property, which amply demonstrates the connivance of the Bank with the petitioner. It is also alleged that petitioner had already filed a Title Partition Suit No. 148 of 2021 for partitioning the ancestral property including the mortgaged property claiming his one-third share in the ancestral property.

4. Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the complainant and the petitioner are own brothers and they had formed a private limited company and had taken a loan from the bank after mortgaging their ancestral flat in the name of their mother. It is further submitted that it absolutely does not stand to reason that as to why a criminal case was instituted with respect to dispute which arose as alleged in the complaint. It is also submitted that the right course for the complainant for getting the issue resolved was through the procedure prescribed in the Company Act or by approaching the DRT. It is further submitted that of late a tendency is growing to settle civil dispute by filing criminal cases. It is next submitted that criminal cases are filed with a view to coerce the accused into submission so that the accused parts with the fanciful demand of the informant/complainant. It is submitted that if what has been alleged in the instant complaint is a correct fact, then the complainant ought to have approached a court of competent jurisdiction where petitioner also could have appeared and would have got an opportunity to rebut the claim of the complainant but then in criminal cases it is difficult for an accused to put his defence as there is fear of arrest. It is also submitted that Jyoti Devi had approached this Court seeking anticipatory bail by filing Cr. Misc No. 73450 of 2025 and the same came to be allowed by an order dated 17-11-2025 passed by a learned Co-ordinate Bench.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 16082(C) of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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