

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17799 of 2025

Arising Out of PS. Case No.-13930 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Kanhaiya Lal Kesari S/o Prahlad Prasad R/o Patliputra Industrial Area,
Patliputra Colony, P.S.- Patliputra, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Yadav S/o Yamuna Prasad Yadav R/o 174, Grand Apartment,
Frazer Road, P.s.- Kotwali, Distt.- Patna
3. Shyamal Kishore Jha S/o (not known), R/o - 174, Grand apartment, Fraser,
Road, Patna, P.S. Kotwali, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 07-01-2026 Heard the parties.

2. The petitioner is named in the complaint case and
apprehending his arrest in connection with Complaint Case
No. 13930C of 2022 registered for the offences punishable
under Sections 418 and 420 of Indian Penal Code.

3. The allegation against petitioner is not to return
Rs. 10 lakh which was taken as a loan from complainant in
terms of agreement dated 12.04.2018.

4. At the outset, it would be appropriate to point out
that aforesaid agreement was not disputed either by learned



counsel for the petitioner or learned counsel for the complainant / O.P. No. 2 particularly in view of the fact that the signature of complainant/ O.P. No. 2 is missing over there.

5. It is submitted by learned counsel appearing on behalf of the petitioner that disputes is civil in nature for which the present criminal case is completely un-occasioned and unwarranted as the clause-7 of agreement dated 12.04.2018, speaks in itself that how Rs. 10 lakh can be recovered from petitioner in case he fails to return the same. However, a cheque of Rs. 10 lakh dated 16.09.2019 was also given to complainant as security, as drawn from for “Andhra Bank” bearing no. “000106”. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Aforesaid factual submissions and the clause as incorporated in agreement itself as submitted aforesaid could not disputed by learned counsel for the informant/ O.P. No. 2.

6. In view of aforesaid factual submission and by taking note of fact as the disputes primarily civil in nature, where the mode of return already decided by parties



themselves, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna /concerned Court, where the case is pending in connection with Complaint Case No. 13930C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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