

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23940 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- OBRA District- Aurangabad

- 1. Md. Abrar Ahmad @ Abrar Ahmad S/o Late Irfan Ahmad R/o Vill- Farastar Belthara Raod, P.S.- Ubhaon, Dist- Ballia (Uttar Pradesh)
- 2. Most. Shahjadi Ahmad @ Shahjadi W/o Late Irfan Ahmad R/o Vill- Farastar Belthara Raod, P.S.- Ubhaon, Dist- Ballia (Uttar Pradesh)
- 3. Tipu Sultan Haidar Ali R/o Vill- Aundi, P.S.- Ubhaon, Dist- Ballia (Uttar Pradesh)

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Chandan Kumar S/o Anil Prasad Gupta R/o Vill- Chapri, P.S.- Obra, Dist- Aurangabad-824124
- 2. Chandan Kumar Anil Prasad Gupta Resident of Village Chapri PS Obra District Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate
For the Informant : Mr. Sanjay Kumar Singh, Advocate
Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

10 11-02-2026 Mr. Rahul Kumar Singh, learned counsel for the petitioners appeared through virtual mode.

2. Heard learned Counsel for the petitioners, learned counsel for the Informant and learned Additional Public Prosecutor for the State.

3. This application, for grant of anticipatory bail, arises out of Obra Police Station Case No. 334 of 2024,



disclosing offences under Sections 406, 420, 504, 506 and Section 34 of the Indian Penal Code.

4. The prosecution case, as per the First Information Report, is that the informant is a proprietor of Balaji Trader, a firm dealing in the sale and purchase of grains. On January 15, 2024, the informant entered into a business deal with Abrar Enterprises, in which petitioner no. 1 is the proprietor, petitioner no. 2 is the partner and mother of petitioner no. 1 and petitioner no. 3 is the employee of the firm. As per the understanding, the paddy worth Rs. 13.59 crore was supplied to the firm between January 16, 2024 and June 25, 2024. A sum of Rs. 11 crore was paid by the petitioners in installments, but a sum of Rs. 2.59 crore remained unpaid. When the informant attempted to contact petitioner no. 1, his mobile was found switched off.

5. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case with oblique motive in order to put pressure upon them to pay the sum of Rs. 2.59 crore. The allegation made in the FIR gives rise to a civil dispute and no element of criminality is involved therein. It has further been submitted that there is no allegation in the FIR that from the very inception, the intention of the petitioners was to deceive or cheat the informant. The very fact that out of the total



amount claimed by the informant, the petitioner's firm has paid 11 crore goes to show that the intention of the petitioners was not to cheat and deceive the informant. A civil dispute has been given a colour of criminal case in abuse of the process of the court. Referring to the supplementary counter affidavit filed by the opposite party no. 2 informant, learned counsel submits that the amount referred in the FIR has been changed from 13.59 crores to 14,71,59,272./-.

6. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that petitioners received the consignment of paddy from the informant worth several crores and with an intention to deceive and cheat the informant has misappropriated a huge amount. On the guarantee of the informant, the farmers of the locality made available a huge quantity of paddy for supplying it to the petitioners, but the petitioners, after having received paddy, paid in installments, failed to pay the further amount.

7. Learned counsel for the State argued that the petitioners have filed a supplementary affidavit stating therein that rice in lieu of paddy was supplied to the informant, but the truck by which the rice was allegedly supplied to the informant was not found genuine inasmuch as the number of the truck that



was provided in the supplementary affidavit by the petitioners was found fake and forged.

8. I have heard learned counsel for the parties and gone through the materials on record.

9. Upon bare perusal of the FIR, it appears that there was a business transaction between petitioners' firm and the informant. The firm was supplied paddy by the informant worth several crores of rupees and it is admitted in the FIR itself that a sum of approximately Rs. 11 crores has already been paid by the petitioners to the informant. It further appears that a notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, has been served upon the petitioners which has been admitted by learned counsel for the petitioners. It has been submitted by the petitioners' counsel that the petitioners are ready to abide by the notice issued under Section 35(3) B.N.S.S. and shall cooperate, with the investigation.

10. Considering the nature of allegations and the fact that notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, has already been served upon the petitioners, this Court is of the opinion that, at present, there is no immediate apprehension of arrest of the petitioners.

11. Accordingly, the present application is disposed



with liberty to the petitioners to approach this Court for anticipatory bail at the appropriate stage, in the event there arises a reasonable apprehension of their arrest by the police.

12. It is expected that the investigating agency shall proceed strictly in accordance with law and in the light of the principles laid down by the Hon’ble Supreme Court in *Satender Kumar Antil v. CBI & Another*, reported in (2022) 10 SCC 51, and *Arnesh Kumar v. State of Bihar & Another*, reported in (2014) 8 SCC 273, as well as the decisions of this Court in *Naushad Ansari v. State of Bihar* (Criminal Misc. No. 3536 of 2024) and *Asha Baitha v. State of Bihar* (Criminal Misc. No. 44659 of 2024).

13. This anticipatory bail application is disposed accordingly.

(Anil Kumar Sinha, J)

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