

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30146 of 2025

Arising Out of PS. Case No.-504 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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Awadh Bihari Upadhyay @ Abadh Bihari Upadhyay S/O Late
Shyamnarayan Upadhyay @ Late Narayan Upadhyay R/O Vill -
Sabbalpur Khurd, Post- Sabbalpur Kala, P.S.- Jamania, Distt.- Gazipur
(U.P)

... .. Petitioner

Versus

1. The State of Bihar
2. Amit Kumar Jha S/o Shri Manoj Jha R/o vill - Kuangadi, Supaur
Jamua, P.S.- Sangrampur, Distt.- Munger

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Vijay Bardhan Pandey, Advocate
For the State	:	Mr.Shailendra Kumar, APP
For the O.P. No.2	:	Mr.Bishwajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-01-2026 Heard learned counsel for the petitioner and learned

APP for the State duly assisted by learned counsel for the

complainant/O.P. No.2.

2. The accused-petitioner, named in the complaint

petition, apprehending his arrest in connection with Complaint

Case No. 504C of 2018 registered for the offences punishable

under Sections 406 and 420 of the Indian Penal Code.

3. As per complaint, petitioner introduced the co-

accused namely, Mani Bhushan Pandey, who cheated the

complainant/O.P. No.2 for a sum of Rs. Twenty (20) Lakhs on



pretext of providing a job in Indian Army.

4. Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation, as per complaint and as per agreement dated 07.09.2016, appears available against co-accused Mani Bhushan Pandey. It is submitted that as this petitioner introduced co-accused Mani Bhushan Pandey to the complainant/O.P. No.2, was implicated in this case.

5. It is submitted that even petitioner was not the party of agreement for returning Rs. Twenty (20) Lakhs. Arguing further, it is submitted that present agreement in issue was executed in the year 2016, but after a gap of two years, notice was issued in May 2018, just to create the cause of action, and, thereafter on 04.06.2018, after passing more than two years, the present complaint was filed as an afterthought. Petitioner claimed clean antecedent.

6. Learned A.P.P. for the State duly assisted by Mr. Bishwajeet Kumar, learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that this petitioner was involved in



entire deal as he not only introduced the petitioner with the complainant/O.P. No.2, rather the stamp paper was also brought in his name, which suggests *prima facie* his complicity with the present crime in question. Learned counsel further submitted that petitioner and co-accused had assured to return the aforesaid amount within one and half year.

7. In view of the aforesaid factual submissions and by taking note of the fact as primarily the dispute is with regard to recovery of Rs. Twenty (20) Lakhs as paid to the co-accused Mani Bhushan Pandey, which may redressed by way of civil proceeding, coupled with the fact that thrust of allegation is not available against this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Munger/concerned court in connection with Complaint Case No. 504C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section



482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short
“B.N.S.S.”).

(Chandra Shekhar Jha, J)

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