

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44297 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- GANDHIMAIDAN District- Patna

Rakesh Upadhyay S/O Mahendra Upadhyay Resident of C-82, Road No.1A,
Shree Nagar Colony, A.G. Colony Park, P.O.- Ashiana Nagar, P.S.- Shastri
Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 316(2),
318(4), 336(3), 338 read with Section 3(5) of the Bharatiya
Nyaya Sanhita.
3. The Investigating Officer of the case in compliance
of the order dated 20.07.2026 is present in the Court.
4. Learned counsel appearing on behalf of the petitioner
submits that petitioner is a person with clean antecedent and the
informant alleges that all the accused persons including the
petitioner persuaded the informant to invest in Rondela
Laundromat Pvt. Limited and for its expansion by making false



assurance of profitable returns, relying on the inducement, the informants entered into an agreement and collectively paid an amount of Rs. 1,85,76,000/- but the accused persons in conspiracy misappropriated the funds and subsequently sold the business to one Dhiraj Kumar without informing the investors and when informants demanded repayment of their money invested in the company, the accused persons started avoiding them and gave false assurance of returning the amount and thereafter even switched off their mobile phone and absconded from their office.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that petitioner is not an associate of Rahul Kalra or his family members, it is further submitted that petitioner never met the informant along with Rahul Kalra and his other associates nor induced the informant to invest money in the company i.e. Washing Express, for the purposes of franchisee and expansion of business, it is next submitted that petitioner himself is a victim as he invested an amount of Rs. 31,10,000/- in the company of Rahul Kalra on different dates as would manifest from the details recorded at Para- 12 of the anticipatory bail



application, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that petitioner in any manner induced the informant for investing money in the company nor it is the case of the informant that any money was transferred in the account of petitioner or was given to him, it is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant though alleges that an amount of Rs. 1,85,76,000/- was invested in the company based on an agreement, but then the agreement has not been brought on record, it is also submitted that if any money was invested in the company, based on an agreement and subsequently the money was not repaid, whether a criminal case in such a circumstance is maintainable, it is reiterated and submitted that even petitioner invested money in the company.

6. On query of the Court from the Investigating Officer that as to what material transpired during the course of investigation connecting the petitioner with the offence, the Investigating Officer fairly submits that till date no material transpired connecting the petitioner with the offence. It is also submitted that based on an agreement, the investors had invested the money in the company.



7. Learned counsel appearing on behalf of the petitioner submits that a purely civil dispute has been given a criminal colour.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel appearing on behalf of the petitioner and Investigating Officer of the case, 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 Gandhi Maidan P.S. Case No. 52 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

10. The personal appearance of Investigating Officer of the case is dispensed with.

11. This application stands allowed.

(Satyavrat Verma, J)

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