IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49976 of 2025

Arising Out of PS. Case No.-4973 Year-2023 Thana- PATNA COMPLAINT CASE District-Patna

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Anil Kumar Singh S/O Late Gauri Lal Singh Resident of Power House Road, Jharsugada, P.S- Jharsugada, Distt-Jharsugada,Odisha

... ... Petitioner/s

Versus

1. The State of Bihar
2. Arjun Prasad Singh S/O Late Sukhdev Prasad Singh R/O House No. D/4, Ashiana Nagar,Phase 2,PS-Rajiv Nagar, Distt-Patna

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Madhukar Anand, Advocate Mr. Shubham Kumar Singh, Advocate
For the State	:	Mr. Ajit Kumar, APP
For O.P. No.2	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Ms. Adya Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

6 28-04-2026 Heard Mr. Mr. P. N. Shahi, learned Senior Counsel along with Mr. Madhukar Anand and Mr. Shubham Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Ajit Kumar, learned APP for the State and Mr. Sanjeev Kumar Mishra, Senior Counsel along with Ms. Adya Pandey, learned counsel for the informant/O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection with complaint Case No. 4973(C) of 2023 registered for the offence(s) punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the

complainant, Arjun Prasad Singh, along with co-shareholders Kiran Singh, Anil Kumar Singh (petitioner) and Pushpa Singh, each having 25% share in M/s Horizon Infab Private Limited, alleged that the accused persons, taking advantage of his advanced age, dishonestly induced him to transfer his shares on the promise of payment and discharge of liabilities, but failed to honour the same. It is further alleged that the accused persons thereby usurped company assets worth crores and started disposing of the machinery for wrongful gain.

4. At the outset, learned counsel appearing on behalf of the petitioner and Opposite Party No. 2, both being Directors of the Company in question, jointly submit that disputes have arisen *inter se* between them on account of substantial tax liabilities of the Company, including dues payable towards Goods and Services Tax (GST), as well as, Income Tax. It is submitted that owing to non-payment of such liabilities, allegations have been levelled against each other.

5. It is further submitted that the parties have agreed to arrive at a mutual settlement within a period of two weeks and shall thereafter appear before the concerned authorities to ascertain the exact liabilities of the Company towards State GST, Central GST, and Income Tax, based on assessment orders

and returns filed. It has also been submitted that the outstanding dues shall be cleared forthwith in accordance with the determination made by the respective departments, subject to the outcome of any pending appeals.

6. Considering the nature of allegations, the fact that the petitioner is one of the Directors of the Company, and that proceedings before the National Company Law Tribunal, Kolkata, have been withdrawn, paving the way for settlement between the parties for payment of outstanding statutory dues, the learned District Court is directed to release the petitioner on pre-arrest bail **on such terms and conditions, as the learned District Court deems fit and proper**, in the event the petitioner furnishes, at the time of submission of bail bonds, the challans/receipts evidencing payment of dues and a 'No Dues Certificate' issued by the competent authorities of the GST Department and the Income Tax Department.

7. The aforesaid exercise shall be completed within a period of eight weeks from the date of this order.

8. Learned counsel for Opposite Party No. 2 has raised an objection submitting that he is liable only to the extent of his shareholding, as determined under the Memorandum of Association, Articles of Association, and resolutions of the

Board of Directors, as duly intimated to the Registrar of Companies.

9. In this regard, the Registrar of Companies is directed to furnish the present status of the assets and liabilities of the Company, along with the shareholding pattern of the petitioner, Opposite Party No. 2, and other Directors, so as to remove any ambiguity regarding their respective liabilities.

10. However, this Court observes that the Company, being a separate legal entity, the Directors cannot evade responsibility in respect of statutory dues, and prima facie, joint responsibility arises in ensuring compliance. In the event of default by any of the Directors, the Superintendent of Police concerned shall take immediate steps to take the petitioner, Opposite Party No. 2, and other concerned Directors into custody.

11. Till such time, no coercive steps shall be taken against the petitioner in connection with the aforesaid case.

12. The bail application stands disposed of.

(Purnendu Singh, J)

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