

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70763 of 2024

Arising Out of PS. Case No.-2113 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Ravindra Kumar Jaiswal @ Guddu Jaiswal S/O Late Abhimanyu Prasad Jaiswal R/O Panchmandir Road, Motihari, P.S. - Motihari Town, Distt. - East Champaran
 2. Sinku Jaiswal W/O Ravindra Kumar Jaiswal @ Guddu Jaiswal R/O Panchmandir Road, Motihari, P.S. - Motihari Town, Distt. - East Champaran
- Petitioner/s

Versus

1. The State of Bihar
 2. Kumar Keshwam S/o Late Ganga Prasad Singh R/o vill - Ahirauliya, P.s. - Kotwa, Distt. - East Champaran
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Sangeet Deokuliar, Adv.
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, Adv.
For the Informant	:	Mr. Rajnish Shandilya, Adv.
		Mr. Pratik Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-02-2026 Heard the parties.

2. The petitioners are named in the Complaint Case and apprehending their arrest in connection with Complaint Case No. 2113 of 2019 registered for the offences punishable under Sections 323, 406, 420, 504, 34 of IPC.

3. As per complaint, petitioner alleged to cheat complainant as he did not supplied goods as agreed to the complainant despite receiving payment of Rs. 1 lakh.



4. It is submitted by learned counsel appearing on behalf of the petitioners that primarily this dispute is of civil in nature for which the present criminal case is completely un-occassioned and un-warrented. It is submitted that even the complaint case appears not supported by affidavit, which appears contrary to the settled position of law as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***. It is submitted that the petitioner no. 2 implicated only for the reason that he is the proprietor of the M/s Sahil Traders and wife of petitioner no. 1.

5 Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that the petitioners cheated complainant by not delivering the goods after receiving the payment.

6. In view of aforesaid factual submission and by taking note of fact as dispute primarily appears civil in nature arising out of business dispute, coupled with the fact that complaint in issue not appears supported by



affidavit, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran /concerned Court, where the case is pending in connection with Complaint Case No. 2113 of 2019, 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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