IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77067 of 2026

CNR No. BRHC011100792026

Arising Out of PS. Case No.-146 Year-2026 Thana- BEGUSARAI TOWN District- Begusarai

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Kishan Kumar S/o Nityanand Thakur R/o Chunapur, Hawaiadda Purnia, Goasi, P.S. - Khajanchi Hat Chunapur, Dist. - Purnia, Bihar - 854303.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sumit Kumar S/o Sanjay Thakur R/o Mungeriganj Ward no. 32, Shivaji Chowk, P.S. - Town Thana, P.O. - Begusarai, Dist. - Begusarai, Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajan Prakash, Advocate
Ms. Pragya Kiran, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner, Ms. Pragya Kiran and Mr. Shailendra Kumar, learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with Begusarai Town P.S. Case No. 146 of 2026 registered for the offences punishable under Sections 316(2), 318(4), 303(2) and 3(5) of the B.N.S, 2023.

3. As per the prosecution case, the informant who is the owner of the jewellery shop alleges that the petitioner took 106 grams of fine gold worth Rs. 18,00,000/- promising to return back. Subsequently, an agreement was executed on a stamp paper

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for return of the fine gold but the gold was not returned. The informant, thereafter, approached the petitioner's brother and sister that they had introduced the petitioner and had guaranteed the transaction, on which it is alleged that he was assaulted and threatened to be killed.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. It is stated that the petitioner was having a commercial/business trading relationship with the informant in gold trading for the last five years and it is a case of civil and commercial dispute which would be clear from the legal notice dated 09.03.2026 issued by the informant, acknowledging the commercial dispute between them.

5. It is further submitted on behalf of the petitioner that it is a purely commercial dispute and there is a lack of essential ingredients of Sections 316(2) and 318(4) of the B.N.S. Moreover, there is no intention to defraud the complaint and the petitioner is willing to return the alleged fine gold which he has taken, after reconciliation of the account.

6. The petitioner is languishing in judicial custody since 25.03.2026 and having clean antecedent. Investigation has been completed and the chargesheet has already been filed.

7. Learned A.P.P. appearing on behalf of the State has

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vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid fact that the dispute is commercial is nature, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Begusarai in connection with Begusarai Town P.S. Case No. 146 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

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