

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76171 of 2025

Arising Out of PS. Case No.-233 Year-2020 Thana- COMPLAINT CASE District- Supaul

Prakash Kumar Pathak S/o Bhogendra Pathak R/o Village - Sibipatti, P.S -
Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Kumar S/o Bhuvneshwar Mandal R/o Village - Pathra Dakshin, Ward
No. 10, P.S - Pipra, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Pallavi, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the OP no.2	:	Mr. Gopal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-02-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Complaint Case no. 233 of 2020 registered under sections 420, 120B and 34 of the Indian Penal Code.

3. As per the prosecution case, the complainant states that he received a phone call from one Swaroop Kumar and Abhishek Kumar Tiwari informing him that in a lucky draw scheme he had won an amount of Rs.6,60,272/- and a Hero motorcycle and for obtaining the award, he had to deposit a certain amount of money in the account of this petitioner. The complainant further states that as informed, he deposited a sum



of Rs. 1,01,600/- in the account of this petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He was misled as co-accused Abhishek Kumar Tiwari had taken a loan from him and had informed him that he would be repaying the amount through the account of a friend of his and therefore the petitioner did not suspect when the amounts were being deposited in his account. The petitioner is innocent and has been falsely implicated in the case. He is in custody since 17.7.2025 and has no criminal antecedent. Cognizance has been taken in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no. 2. Learned counsel for the complainant submits that even after registration of this case, the petitioner has still not returned the amount.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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