IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85727 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Amarnath Kumar S/O Late Vishwanath Sahni Resident of village- Sahwajpur, P.S.- Ahiyapur, District- Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Gyan Prakash, Advocate
	:	Ms. Parul Priya, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

6 31-01-2026 Heard Mr. Vijay Kumar Sinha, learned counsel for the petitioner, Mr. Abhay Kumar, learned Additional Public Prosecutor for the State as well as Mr. Gyan Prakash, learned counsel for the Informant.

2. Petitioner seeks bail who is in custody since 11.09.2025 in connection with Ahiyapur P.S. Case No.162 of 2024, F.I.R. dated 03.02.2024 for the offences punishable under Sections 420, 406, 467, 468, 471, 336, 504, 506 of Indian Penal Code.

3. According to prosecution case, the informant and the petitioner were partners in Mahadeo Enterprises since 20.09.2022 and the said partnership firm has one dealership shop of E-Rickshaw at Old O Mile Chauk, Ahiyapur,

muzaffarpur. It is further alleged that the petitioner took signature of the informant on some blank cheque and also took password of SBI Bank and thereafter misused and cheater her and took loan of Rs.15 Lakhs from a private financer MINTIFI FINSERVE Pvt. Ltd. and dishonestly misappropriated the profits of the firm amounting to Rs.32,32,462/-. When the informant asked for details of income and expenditure, he threatened her and pushed her away from the shop.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. Learned counsel for the petitioner submits that earlier the petitioner was granted the privilege of anticipatory bail vide order dated 20.07.2024 in Cr. Misc. No. 42545 of 2024 and thereafter the petitioner filed a modification petition vide order dated 20.07.2024 in Cr. Misc. No. 71503 of 2024 but the same was dismissed vide order dated 18.10.2024 and then the then the petitioner has challenged both the orders before the Hon’ble Apex Court in SLP (Criminal) Diary No-58585 of 2024

but the same was dismissed vide order dated 31.01.2025.

6. Learned counsel for the petitioner submits that the story of the prosecution is false and fabricated and infact the petitioner had entered in a partnership deed with informant for running the business of e-rickshaw and auto mobile in the name and style of Mahadeo Enterprises and both the persons got share of 50% in profit and loss and the accounting of the profit with terms and condition that loss will be settled by both the parties and for running the business they will have to take loan with joint consent and the accounting of the business will be made on each month and the insurance of the firm will be made in insurance company and the premium of the insurance will be paid from the capital of the firm and a joint account will be open in Bank but the firm account will be operated by the 1st party (the petitioner).

7. Learned counsel for the petitioner submits that the petitioner did not breach any terms and conditions of the partnership sale deed but the informant has filed the false case only to harass the petitioner. He further submits that when business of E-rickshaw was going on, thereafter a current account was opened bearing Account No-00000041373845722 in the name of Mahadeo Enterprises and thereafter the

informant, who is partner of the Mahadeo Enterprises has filed a petition to the Manager, State Bank of India, S.K. Medical Hospital, Campur, Muzaffarpur to freeze the current bank account of Mahadeo Enterprises on 06.11.2023.

8. Learned counsel for the petitioner submits that on the basis of the petition filed on behalf of the Informant, the bank account of Mahadeo Enterprises was freezed and the business of the petitioner was hampered and thereafter the informant has lodged the present case against the petitioner and the entire liability was the civil liability and the informant has filed the present criminal case against the petitioner only to harass the petitioner and police after investigation has submitted charge-sheet. The petitioner is in custody since 11.09.2025.

9. A 3rd supplementary affidavit has been filed on behalf of petitioner, wherein the following statement has been made in Paragraph No.6:-

> *"6. That when the petitioner is ready to comply the direction of the Hon'ble High Court's order the Annexure- P/1 of the petition in installment after releasing from judicial custody and the informant who also be directed to file petition for defreezing of the Bank Account and to make settlement in this case and in Complaint Case No.*

666/2024 the Annexure-P/7 and P/8 of the petition and to relinquish her partnership right the Annexure-P/5 of the petition."

10. The learned Additional Public Prosecutor as well as learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner and submits that informant has filed reply to the 3rd supplementary affidavit, wherein the following statements have been made in Paragraph Nos.3 and 4:-

3. That with regard the statement made in paragraph no. 6 of 3rd Supplementary Affidavit of the petitioner, it is submitted that the informant is ready to defreeze the bank A/C No. 00000413738455722 in which Rs. 219,000/- is laying as balance in which informant being partner of 50% is entitled to 50% of the amount. She is also ready to relinquish her partnership right.

4. That with regard to the statement made in paragraph no.7 of the 3rd Supplementary Affidavit it is submitted that petitioner himself undertaken to pay Rs 10 Lakh on 20.07.2024 in Cr. Misc. No. 42545 of 2024 in this Hon'ble Court and he has also issued two cheques of Rs. 3,00,000/- each on 04.01.2025 and 20.01.2025 respectively while his SLP was pending before the Hon'ble Supreme Court and both the *cheques have been dishounered on presentation in Bank (Annexure- 4 Series). In all fairness he ought to have come with clean hand before this Hon'ble Court and informant being partner and maternal aunty is every time ready to co-operate him.*

11. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and he is ready to comply the order dated 20.07.2024 passed in Cr. Misc. No. 42545 of 2024 which suggest that the petitioner is ready to pay Rs.10 Lakh to the informant whiout being prejudiced to his case in the trial court and the informant is ready to defreez the bank Account No-00000041373845722, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No.162 of 2024, subject to the following conditions:-

i. The petitioner shall deposit Rs. 10 Lakh to the informant within a period of three months and if the petitioner fails to deposit Rs.10 Lakh to the informant within the aforesaid period, the informant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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