

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87295 of 2025

Arising Out of PS. Case No.-357 Year-2025 Thana- PATLIPUTRA District- Patna

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Avinash Kumar S/o Suresh Prasad Jaiswal @ Suresh Prasad Resident at
Mohalla Magadh Colony, Kurji, P.O.- Sadaquat Ashram, Patna, P.S.- Digha,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Alok Ranjan, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Apurv Harsh, Advocate
		Mr. Manu Tripurari, Advocate
		Mr. Raghu Raj Pratap, Advocate
		Ms. Jaya Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 20-02-2026

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Patliputra P.S. Case no.357 of 2025 registered under sections 420, 406, 419, 467, 468, 469, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that she is a Director and shareholder of Hopecon Infra Projects Private Limited which is a company registered under the Companies Act. She further states that the petitioner is amongst



the four Directors of the Company. Without informing the Board of Directors, the petitioner constituted a partnership firm with one Reena Kumari and used the name of the firm as Hopecon Infra Projects Private Limited which is similar to the name of the Company. He also took a GST registration and opened a Bank account in the Punjab National Bank. The partnership deed of the firm was drafted by Rajeev Kumar, who is the statutory auditor of the Company. Subsequently on 27.2.2025, the petitioner changed the name of the firm to Hopecon Infra Contractors only to create confusion in the mind of the public. Sudhanshu Kumar was also added in the partnership firm. GST return of the said firm has been filed by Rajeev Kumar. On coming to know these facts, the husband of the petitioner Uma Shankar Sharma tried to settle the matter amicably, however, the petitioner threatened to kill him. The informant finally alleges that the accused persons hatched a conspiracy to divert the business of the Company and caused wrongful loss to the Company.

4. Learned Senior counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the case only for the purpose of forcing him to relinquish his proposed share in the Company ie Hopecon Infra Projects



Private Limited. Referring to the legal notice at Annexure P/2 series, it is submitted that while the informant and others were aware of the facts prior to the date of the notice ie 8.2.2025, the FIR came to be registered only after 6 months on 19.8.2025 without any explanation for the delay. It is submitted that the partnership firm was constituted on 6.6.2023 with the petitioner being the major shareholder. It is submitted that false allegation with respect to the petitioner having misappropriated a sum of Rs.6.60 crores has been levelled for which Patliputra P.S. Case no.421 of 2025 was filed by the informant of the present case, however, in the application for bail filed by the petitioner under section 482 of the B.N.S.S. vide Cr. Misc. no.3846 of 2026, this Court vide its order dated 17.2.2026 passed in Cr. Misc. no.3846 of 2026 while calling for the case diary from the learned Court below has directed that till further orders, no coercive steps shall be taken against the petitioner in connection with Patliputra P.S. Case no.421 of 2025. Learned Senior counsel further submits that more than six months after service of the legal notice, the instant FIR has been registered only with the allegation that the partnership firm has been named in such a manner as to defraud the Company. Referring to the GST return at page 39A and the Bank transaction at page 40, it is submitted that the same are nil.



It is further submitted that co-accused Reena Kumari has been enlarged on anticipatory bail vide order dated 27.11.2025 passed in ABP no.4557 of 2025 by the learned District and Additional Sessions Judge XXXIII, Patna Sadar, Patna. The petitioner who is in custody since 5.10.2025 undertakes to cooperate in the investigation/trial. Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned Senior counsel appearing for the informant. It is submitted on behalf of the informant that the petitioner who is named in the FIR is a key conspirator who inspite of being a Director of the Company in question has dishonestly floated and operated a parallel entity with a similar name with the sole intention of misappropriating the goodwill of the informant's Company. There has been no delay in lodging of the FIR nor is it a case of civil nature. It is an incorrect assertion on behalf of the petitioner to state that there has been no financial transaction. In fact, Rs.5.84 crores was illegally siphoned without consent or authorisation of the shareholders or the Board of Directors. Wrongful loss has been caused to the Company and wrongful gain to the petitioner and his firm. On being confronted, the petitioner also issued threats on the life of the informant's husband and has further produced a forged and



fabricated no objection certificate before the learned Court below during the bail proceedings which has led to the informant lodging another FIR being Patliputra P.S. Case no.528 of 2025. Learned Senior counsel submits that so far as section 453 of the Companies Act is concerned, the informant could have filed an application against some other company and not against the petitioner as in the present case, he being one of the Directors in this very Company. Referring to the counter affidavit filed, it is submitted that there has been diversion/siphoning of funds with the intention both to defraud the Government exchequer as also the Company. The offence being grave, the application for bail be rejected.

6. Having heard learned counsel for the parties and having perused the material on record, this Court finds that by order dated 5.1.2026, this Court had on time being sought by learned counsel for the informant granted three weeks to file a counter affidavit explaining the loss incurred by the informant to the tune of Rs.6 crores and odd due to the act of the petitioner. Without going into the details of the case of the parties, as stated in the counter affidavit and the bail petition, it may be observed here that so far as the loss of about 6.6 crores is concerned, a separate Patliputra P.S. Case no.421 of 2025 has been registered



by the informant against the petitioner which is the subject matter in the application for anticipatory bail filed by the petitioner vide Cr. Misc. no.3846 of 2026. As stated above, this Court vide its order dated 17.2.2026 passed in the said case has directed that till further orders, no coercive steps shall be taken against the petitioner.

7. So far as the allegation on behalf of the informant of the petitioner having produced a forged and fabricated no objection certificate is concerned, the same is the subject matter of Patliputra P.S. Case no.528 of 2025 lodged by the informant against the petitioner.

8. Thus, so far as the instant case is concerned, the allegation against the petitioner is that he set up a partnership firm with similar name as the Company with an intention to defraud the Company and the informant.

9. In view of the facts and circumstances of the case, the nature of allegations in the FIR, the submissions made as noted herein above, the petitioner having remained in custody for over 4 months since 5.10.2025 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Patliputra P.S. Case no.357 of 2025 on furnishing bail bond of Rs.10,000/ (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Patna.

(Partha Sarthy, J)

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