

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91700 of 2025

Arising Out of PS. Case No.-736 Year-2018 Thana- NAWADA District- Nawada

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Mohnish Kumar Son of Shyam Nandan Lall R/O Mohalla- Madarsa
Sulemania Lane, Newab Bahadur Road, P.S.- Khajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-02-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Nawada Town P.S. Case No. 736 of 2018 instituted for the
offence under Sections 420, 406, 467, 468, 471 & 34 of the
Indian Penal Code and Section 138 of the Negotiable Instrument
Act.

3. The prosecution case is based on the informant's
written report alleging that the petitioner and Ajit Kumar Sinha
received Rs. 1.50 crore from the informant and Jitendra Kumar
between May 2015 and May 2016 on the assurance of investing
it in 'Rajani Enterprises' for an iron factory and coal business. It
is alleged that the accused cheated the informant by using



forged bills, tenders, and work orders. An agreement dated 17.05.2018 assured repayment of the amount by 17.05.2019, and cheques issued towards repayment were dishonoured due to closure of the account. Upon demand, the accused refused to return the money, citing business losses.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.10.2025. Petitioner bears seven (7) criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. The learned counsel for the petitioner submits that no offence under Sections 467, 468, or 471 of the IPC is made out, as there was no intention to cheat the informant and the dispute arises purely out of a business transaction. The petitioner, being the sole proprietor of 'Rajni Enterprises' engaged in the iron and coal business, has not committed any act of cheating. All disputes between the parties were amicably settled through a Settlement Agreement dated 06.01.2021, in which petitioner was required to pay Rs. 37,50,000/-, whereupon, the petitioner has paid Rs. 38,00,000/- to the informant on different dates, received back the original cheques, and placed on record bank



statements (Annexure - P/4) and returned cheques in support thereof. Co-accused, namely, Ajit Kumar Sinha has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.04.2019, passed in Cr. Misc. No. 27468 of 2019. It is further submitted that although investigation has been completed and charge-sheet filed on 31.12.2025 under Sections 420, 406, 467, 468, 471 IPC and Section 138 of the N.I. Act, in view of the settlement and full payment, continued incarceration of petitioner is unwarranted. It is, therefore, prayed that petitioner may be enlarged on bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada Town P.S. Case No. 736 of 2018, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

Raj Kishore/-

(Rudra Prakash Mishra, J)

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