

In the Court of Addl. Sessions Judge, Manjhaul (Begusarai)
A.B.A No-456/2026
Cheria Bariyarpur P.S. Case No- 83/2025

In the matter of :

1. Raj Kumar Sharma, s/o-Sri Krishna Sharma, aged about-65 Yrs
 2. Sefali Sharma, d/o-Raj Kumar Sharma, aged about-34 Yrs
- Both are r/o-vill-Rachana Matri Bihar, Hirapur Road, Tatibandh, Raypur, Chhatisgadh

Ld. counsel for the petitioners: Sri. Chandra Mohan Mishra, Ld. Adv

Ld. counsel for the State: Sri. Rakesh Kumar, Ld. Adv

Date of Order-03.06.2026

Present:-
Sanjay Kumar Singh
Addl Sessions Judge,
Subdivisional Civil Court,
Manjhaul, Begusarai

1. The petitioners, namely, **(i) Raj Kumar Sharma and (ii) Sefali Sharma** seeks anticipatory bail in connection with Cheria Bariyarpur P.S. Case No-83/2025 registered for the offences punishable under sections 319(2), 318(4) of BNS. The copy of same has been served to the Ld. APP for state. Ld. counsels for the parties have been exhaustively heard.

2. The case of the prosecution is in written application of informant-Avinash Kumar who stated that on 18.04.2024, he done written contract of dealership of Electronic Motorcycle with Raj Kumar Sharma (Owner, petitioner no-01), Sefali Sharma (Partner, petitioner no-02) and Company, namely, Regeneration E-bikes. The informant has total paid Rs.17,68,8000/- in the account of the said company on different dates but the company with intention to cheat the informant, sent ten (10) defective Electric Motorcycle without Battery to him, after six months of payment of abovesaid amount. The informant did not sell the said motorcycles due to defect in the motorcycles. The informant tried many times to contact to company through mobile for returning the defective motorcycles and getting back the given amount, but no action was taken by

these petitioners and by the said company. The informant then sent legal notice to the company and the petitioners but they did not respond. It is further alleged that the petitioners have taken Rs.17,68,000/- from the informant by cheating and sent defective motorcycles without battery which is parked in the showroom of the informant.

3. Learned counsel for the petitioners submitted that the petitioners are quite innocent and have committed no any offence. No regular or anticipatory bail has been filed on behalf of the petitioners either before this Id. court or before any other court in connection with this case. There is no criminal antecedent against the petitioners. The petitioner-Sefali Sharma separated from M/S Regeneration E Bike from dated-01.05.2024 and she has no connection with the above proceedings and the agreement was made between both the parties on 20.06.2024 in which the petitioner-Sefali Sharm's signature is missing. The case has been filed due to the failure of the scooty's battery whereas despite the assurance given by the owner of the firm to get it repaired by the petitioner no-1, the case has been filed. On these grounds the Ld. counsel prays that the petitioners be admitted to anticipatory bail.

4. Learned counsel for the state opposed the prayer of anticipatory bail to the petitioner.

5. Heard Ld. Counsels and perused the case record. At the outset it be mentioned that the case diary was called for and the same has been annexed with the record for perusal. On perusal of FIR, case diary and other material available on judicial record, it appears that the case has been registered u/s-319(2) & 318(4) of the BNS against the petitioners along with other accused. The allegations against the petitioners are that they took total Rs.17,68,000/- from the informant and sent ten defective motorcycles without battery. The

witnesses in para no-2, 4 and 5 have supported the prosecution case. Para no-17 of the case diary is supervision note in which the supervising authority found the case true against the petitioners. Para no-28 of the case diary shows the transactions of amount between the parties(informant and petitioners & its company's account), which corroborates the allegations. The case is still under investigation. The allegations pertain to serious offences involving cheating and dishonestly inducing the delivery of huge amount and the petitioners are alleged to have fled after committing the offence, which raises apprehension of abscondence and non-cooperation with investigation. The gravity of the offence coupled with the possibility of tampering with witnesses or evidences. Grant of anticipatory bail at this stage would seriously hamper the investigation. Considering the nature and gravity of accusation, this court is not inclined to grant the privilege of anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected. However, the petitioners may surrender before the Id. lower court and seek regular bail and the Id. lower court is directed to dispose of the case on the same day as per the law.

Dictated

Sanjay Kumar Singh
Addl. S.J., Manjhaul

Date of Judgment / Order	
Date of Reserving Judgment / Order	N/A
Uploading Date	
Uploaded by	Sanjeev Kumar Suman