

**IN THE COURT OF DISTT. & ADDITIONAL SESSIONS JUDGE -XXI, PATNA**  
**Anticipatory Bail Petition No. 539 of 2026**

**Gaurav Prakash**

V/s  
**State of Bihar**  
**( Pirbahore P.S Case No.309/2025)**

**ORDER**

- 24.03.2026** 1. Anticipatory bail petition filed on behalf of accused-petitioner, namely, **Gaurav Prakash** who is apprehending his arrest in connection with **Pirbahore P.S Case No.309/2025** registered U/S- 318(4), 316(2) of B.N.S which is pending in the Court of Ld. C.J.M Patna has been moved by his learned counsel. The Ld. A.P.P for the State appeared. Case diary is available on record.
2. The case of the prosecution in short, is that informant gave written complaint before the SHO P.S Pirbahore alleging therein that, Md. Raees Azam, Fayaz Alam Brajesh Kumar Panday, Sanjay Kumar Chaudhari and Gaurav Prakash are running a firm in the name of Comship Medix and Infra Private Ltd. The Business of the firm is selling medicines on commission basis through private persons by providing them franchise of the firm. It is alleged that in February 2023 informant came in contact with Md. Raees Azam and Fayaz Alam who assured him for providing shop in the name of Blue Medix ( Comship Medix and Infra Private Ltd.) at Motihari. Further alleged, the accused persons demanded Rs. 25 Lakhs as advance which was paid by the informant through RTGS in the bank account provided by the accused persons. Thereafter, one agreement in writing was executed between the parties. Further alleged that accused persons have neither provided any shop nor returned the consideration amount. Informant requested several times through WhatsApp but in vain. After receiving the amount of Rs. 25 Lakhs accused-persons stopped talking, meeting with the informant and blocked his mobile phone. On the basis of these allegations the present F.I.R was lodged against the petitioner.
3. Learned counsel for the petitioner has submitted that petitioner is innocent and has not committed any offence and falsely implicated in this case. Further submits that petitioner has no criminal antecedents. Further submits that the present case arises out of a purely business/commercial transaction and at best constitutes a civil dispute relating to breach of agreement, which has been given a criminal colour. Further submits that allegations are general and omnibus and no specific overt act has been attributed against the petitioner. Further submits that alleged amount was transferred in the account of the company and not in the personal account of the petitioner. Further submits that petitioner has already resigned from the company in February 2024. Further submits that case is based entirely on documentary evidence and custodial

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2.

**Contd.**

**24.03.2026** interrogations is not required. Further submits that petitioner is a man of means hence there is no chance of tampering with the evidence if petitioner granted bail. Further submits that the petitioner has not moved anticipatory bail petition or regular bail petition either before this court or before the Hon'ble High Court, Patna. Further submits that petitioner is ready to furnish the bail bonds to the satisfaction of the court, hence prayed for anticipatory bail.

4. On the other hand learned Addl. P.P. for the State has opposed the prayer of anticipatory bail of the petitioner.

5. Heard. Record as well as case diary perused. From perusal it transpires that petitioner was one of the Directors at the time of transaction and agreement executed between the parties i.e in February 2023. Informant has paid amount of Rs. 25 lakhs through RTGS, in the bank account of the company. After receiving the payment, neither the shop was provided nor money was returned to informant. Even the co-accused persons/Directors of the company stopped communicating with the informant and blocked the mobile no. of the informant. Further the informant has issued a legal notice to the petitioner/Director, no response was given, which prima facie shows their dishonest intention and culpable conduct on the part of the Directors of the company.

6. Considering the above mentioned facts and circumstances, nature and seriousness of the allegations, petitioner does not deserve to be released on anticipatory bail, this court does not inclined to grant anticipatory bail to the petitioner. Hence the prayer for anticipatory bail of the petitioner, namely, **Gaurav Prakash** is hereby **rejected**.

It is however, clarified that nothing expression herein above shall tantamount to an expression of opinion of merits of the case.

**(Dictated).**

**Sd/-**  
**(Sunita Rani)**  
**Dist.&Addl.S.J. XXI,**  
**Patna**

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|--------------------------------|-------------------|
| <b>Date of Order</b>           | <b>24.03.2026</b> |
| <b>Date of Reserving Order</b> | <b>NA</b>         |
| <b>Uploading Date</b>          | <b>26.03.2026</b> |
| <b>Uploaded by</b>             | <b>Rahul/-</b>    |