

**In the Court of District and Addl. Sessions Judge Ist
Patna.**

Present-Pramod Kumar Yadav ASJ-1
Anticipatory Bail Applicaton No. 905/2026

(Complaint Case No.-992(C)/2016)

Rajesh Chandra Jain Vs State of Bihar

- 13.04.2026** 1. This anticipatory bail application has been filed on behalf of the accused petitioner namely **Rajesh Chnadra Jain** aged about 50 years, S/o Late Prem Chandra Jain, R/o Flat No.-403, R.P. Tower, Frazer Road, Hotel Rajasthan, P.S. Gandhi Maidan, **Distt-** Patna who is apprehending his detention/arrest in connection with **Complaint Case No. 992(C)/2016**, for the offences under sections 406/420 of IPC.
2. Heard Ld. Counsel for the petitioner and Ld. A.P.P. on behalf of the State as well as the lawyer of complainant on the anticipatory bail application.
3. According to complaint petition of complainant Murli Kumar Soni, the prosecution case in brief is that the petitioner initiated a project named "Dumraon Palace" and invited investments. Consequently, on 6th, December, 2010, the complainant and his wife transferred a sum of ₹10,00,000/- to the petitioner's bank account via RTGS for the purpose of purchasing a shop. Subsequently, the complainant received information that the petitioner had sold the same shop to another person namely Prakash Singh. Despite the issuance of a legal notice, the petitioner neither furnished a response nor refunded the amount.
4. It has been submitted on behalf of petitioners that earlier no any other bail petition has been not moved any other anticipatory bail petition either before this Court or before Hon'ble High Court Patna. A case bearing FIR No. 143/2020 has been registered against the petitioner at the Kotwali Police Station. The petitioner is innocent, has committed no crime, and has been falsely implicated in this matter. He further contends that the applicant did not initiate any project named "Dumraon Palace" and bears no connection whatsoever to the said "Dumraon Palace." The "Dumraon Palace" belongs to Maharaja Kamal Singh, the son of the late Maharaja Bahadur Ram Ranvijay Prasad Singh. The petitioner has no acquaintance with the complainant; he has never conversed with him, nor did he ever solicit any funds from him for investment purposes. The real fact is that the petitioner was aware that an agreement had been reached for Prakash Kumar Singh to purchase five shops situated on the first floor of "Dumraon Palace" for a sum of ₹39,21,500/- to circumvent potential income tax-related complications, the complainant acting upon the instructions of Prakash Kumar Singh transferred ₹10,00,000/- into the petitioner's bank account. The petitioner subsequently disbursed this amount in cash to Prakash Kumar Singh, who,

**In the Court of District and Addl. Sessions Judge Ist
Patna.**

Present-Pramod Kumar Yadav ASJ-1
Anticipatory Bail Application No. 905/2026

(Complaint Case No.-992(C)/2016)

Rajesh Chandra Jain Vs State of Bihar

in turn, made the payment to Maharaja Kamal Singh. Upon receiving the full consideration, Maharaja Kamal Singh executed a registered Sale Deed on March 31, 2011, in favor of Prakash Kumar Singh and his wife, Anita Singh. Further, the incident in question dates back to the year 2010, whereas the complainant filed the present complaint petition in the year 2016, a delay for which no explanation has been placed on record. In this matter, cognizance of the offense against the applicant was taken on July 5, 2018. As per case record, a bailable warrant was issued against the petitioner on 01.02.2010, yet no report regarding its service was received. Subsequently, a non-bailable warrant was issued on 04.10.2023; however, no service report was received and without any service report, proceedings under Section 82 of the Code of Criminal Procedure (Cr.P.C.) were initiated on 16.03.2026. There is no likelihood of the petitioner absconding or tampering with witnesses, the petitioner is ready to abide by all terms and conditions imposed by learned Court. On these grounds prayed for bail.

5. The learned A.P.P. & Ld. Lawyer of complainant has vehemently opposed the prayer of grant of anticipatory bail to the petitioner.

6. Heard both the parties and perused the trial court record. From perusal of trial court record it appears that this is a complaint case of year 2016. On 05.07.2018, cognizance has been taken by the Ld. Court u/s 406/420 of IPC and summons has been issued on 24.11.2019 and on 01.02.2020 without any service report of summons, B/W has been issued and again on 04.10.2023 without any service report of B/W, NBW has been issued. Upon the non-receipt of the service report regarding the non-bailable warrant, an order was issued on 07.02.2025 to issue a show-cause notice against the concern SHO; however, no such service report/Show cause was received. Ultimately, in the absence of any service report, an order to initiate proceedings under Section 82 Cr.P.C. was passed on 12.01.2026, and the process under Section 82 Cr.P.C. was issued on 16.03.2026. This application for anticipatory bail was filed on 26.02.2026.

7. In **Asha Dubey Vs State of MP, reported, 2024 SCC OnLine SC 5633**, it is held by Hon'ble supreme Court at para 8 and 9 as under –

“Para 8 - Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the Cr.P.C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail.”

“Para 9 -When the liberty of the appellant is pitted against, this Court will have to see the circumstances of the case, nature of the offence and the background based on which such a

**In the Court of District and Addl. Sessions Judge Ist
Patna.**

Present-Pramod Kumar Yadav ASJ-1
Anticipatory Bail Application No. 905/2026

(Complaint Case No.-992(C)/2016)

Rajesh Chandra Jain Vs State of Bihar

proclamation was issued. Suffice it is to state that it is a fit case for grant of anticipatory bail, on the condition that the appellant shall cooperate with the further investigation. However, liberty is also given to the respondents to seek cancellation of bail that has been granted, in the event of a violation of the conditions which are to be imposed by the Trial Court or if there are any perceived threats against the witnesses.”

In Criminal Miscellaneous No.33213 of 2025 (Mangali Devi @ Mangari Devi & others Versus the State of Bihar) the Hon’ble Patna High Court has held at para 16 as under:-

“Para 16. Hence, it clearly emerges that the anticipatory bail petition of a Petitioner facing accusation is maintainable, even if the proceeding under Sections 82 and 83 Cr.PC/Sections 84 and 85 B.N.S.S, have been initiated against him. However, grant or rejection of anticipatory bail would depend upon the facts and circumstances of the case. The Court is required not only to see the circumstances under which the proceedings under Sections 82 and 83 Cr.PC/Sections 84 and 85 B.N.S.S. were taken, but, even the nature of the allegation and the material in support thereof is also required to be looked into. The Court is also required to consider the factum of the proceeding taken under Sections 82 and 83 Cr.PC/Sections 84 and 85 B.N.S.S. seriously and not casually, while considering the anticipatory bail petition of such accused.”

8. The matter is based on a complaint, and the case is yet to be proved before the Court. At this stage, in my view no custodial trial is required in this complaint case. It would be just and proper to grant Anticipatory bail in the light of aforesaid view of the Hon’ble Supreme Court & Hon’ble Patna High Court to the petitioners, subject to the condition that they fully cooperate with the trial proceedings.

9. Accordingly, this anticipatory bail application of above named petitioner is hereby allowed. Let the above named petitioner is ordered to be released on bail in the event of their appearance/surrender before the learned Trial court within one month from the receipt of this order on furnishing bail bond of Rs. 15,000/- (Fifteen thousand) with two sureties of like amount each to the satisfaction of the learned court below subject to the conditions laid down u/s-482(2) of BNSS.

Dictated

(Pramod Kumar Yadav)
Addl. Sessions Judge Ist
Patna

Date of order - 13.04.2026
Uploading date - 13.04.2026
Uploaded by - Shashi Dhar, Stenographer