

In the Court of District & Addl. Sessions Judge – VIII, Patna

A.B.P. No. 1079/2026

[Arising Out of Complaint Official P.S. Case No. 04/2025]

Kamal Kumar Jain Vs. State of Bihar

Advocate for Petitioner – Shri Pankaj Kumar, Ld. Advocate

Advocate for State - Shri Sumit Kumar Jaiswal, Ld. A.P.P.

O R D E R

01.04.2026

The accused/petitioner namely **Kamal Kumar Jain** has been pressed by his Ld. Counsel **Shri Pankaj Kumar**. The accused/petitioner is apprehending his arrest in connection with **Complaint Official P.S. Case No. 04/2025** for the offences punishable under Sections (non trading) Companies Act (Bihar) (447) pending in the Court of Ld. Addl. Sessions Judge–VIII-cum-Special Judge, Companies Act, Patna. Heard the Ld. Counsel for the petitioner and the Ld. A.P.P. for the State.

The prosecution case is based on complaint petition. The complainant is the Registrar of the Companies, Bihar who states inter alia that the petitioner is the practicing chartered accountant and he has certified producer certificate submitted at the time of incorporation of the company. This fact reveals by inspection into the affairs of the company u/s 206(5) of the Companies Act, 2013 which was carried out by the inspector who found the violations of various provisions of Companies Act that has been received to the office of the complainant from the Ministry of Corporate Affairs, Govt. of India, Letter No. CL-II01/1/2023-O/o. DGCo A-MCA dated 23.08.2024. The petitioner has given false declaration for incorporation of company which is violation of Section 7 of Companies Act, 2013 On the basis of the said information, the instant case was filed in which the cognizance of the offence has been taken against the petitioner.

The learned advocate for the petitioner submitted that the petitioner is quite innocent and has not committed any offence rather he has been falsely implicated in this case. It is also clear that the petitioner has been made scapegoat in the instant case to ruin his entire career and with an oblique motive. The petitioner is law-abiding citizen. He is neither expected to flee from course of justice nor to tamper with the evidence. There appears no reasonable ground for believing that the petitioner has committed any offence. There are 110 criminal antecedents of the petitioner. The petitioner is ready to furnish the bail bond to the satisfaction of this Court. So, it has been prayed to enlarge the petitioner on bail.

On the other hand, learned A.P.P. appearing for the State and Ld. Counsel for the complainant stated that the accused person may be enlarged on bail subject to condition that he may cooperate in trial.

Heard both the sides and perused the record. It appears from perusal of the record that the petitioner is named in F.I.R. registered for the offence u/s (Non Trading) Companies Act (Bihar) (447), this A.B.P. has been filed. The prosecution has no objection and moreover the allegation is omnibus in nature and there is no

chance of absconding or tampering with the prosecution witnesses since the summon has already been issued after inquiry in connection with this case.

Thus, considering the aforesaid facts and circumstances of the case and nature of allegation as brought against the petitioner, this anticipatory bail petition is **allowed**. The petitioner is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/= (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned in the event of arrest or surrender before the learned court concerned within a period of fifteen days from the date of communication of a copy of this order, subject to condition as laid down u/s 438(2) of the Cr.P.C.

(Dictated & Corrected)

Sd/-

(Atul Kumar Singh)

Addl. Sessions Judge–VIII-cum-

Special Judge, Companies Act

Patna

01.04.2026