



BRPA010128492026

**IN THE COURT OF SESSIONS JUDGE, PATNA**  
**CRIMINAL REVISION NO. 473 OF 2026**

1. K. K. Verma @ Kanhaiya Kumar Verma,  
S/o Late Chaturbhuj Prasad
2. Rita Verma, W/o K. K. Verma
3. Avinash Verma, S/o K. K. Verma  
All R/o: Rita Kunj Tilak Nagar, P.S.- Patrakar Nagar,  
District- Patna
4. A.K. Traders through proprietor K.K. Verma

..... Petitioners/Accused

Versus

1. The State of Bihar
2. Manoranjan Prasad S/o Late Parmanand Prasad,  
House No. 215, Road No. 21C, Rajeev Nagar,  
P.S.- Rajeev Nagar, District- Patna.

..... Opposite Parties

Counsel for the Petitioners      :- Dr. Raushan, Advocate,  
Counsel for the State              :- Sri Rajesh Kumar, P.P.

**ORDER**

**09.07.2026**

1. The present criminal revision has been instituted by the **accused-petitioners, namely (1) K.K. Verma @ Kanhaiya Kumar Verma, (2) Rita Verma, (3) Avinash Verma, and (4) A.K. Traders through its proprietor K.K. Verma**, impuning order dated 12.06.2026 passed by Sri Kumar Abhishek, learned Additional Chief Judicial Magistrate-III, Patna, in Complaint Case No. 4444(C)/2018, whereby the **learned Magistrate rejected the discharge petition dated 02.06.2025** along with the supplementary discharge petition dated 10.12.2025 filed under Section 245 of the Code of Criminal Procedure, 1973.

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2. Heard the learned counsel for the petitioners, as well as learned Public Prosecutor for the State.

**Facts of the Case**

3. The case arises from allegations of criminal conspiracy, cheating, criminal breach of trust, and physical assault allegedly committed by the accused persons against the complainant. It is alleged that the accused induced the complainant to invest a sum of ₹31,03,800/- under the pretext of utilizing the funds for business purposes. Simultaneously, they allegedly assured the complainant that upon his retirement, he would be appointed as a Director in the company and granted a 50% shareholding.

4. Upon consideration of the complaint, the learned trial court issued summons against the accused-petitioners for offences punishable under Sections 403 and 420 of the Indian Penal Code. The accused appeared, and during the course of proceedings, they filed a discharge petition on 02.06.2025, which came to be rejected by the impugned order dated 12.06.2026. Aggrieved thereby, the present revision has been preferred.

**Submissions on Behalf of the Petitioners**

5. It is contended that the learned Magistrate committed a manifest error of law in rejecting the discharge application under Section 245 Cr.P.C. without examining whether the evidence adduced by the complainant, even if accepted in its entirety, was sufficient to warrant conviction.

6. It is further submitted that the learned Magistrate failed to properly exercise jurisdiction under Section 245 Cr.P.C., which mandates a judicial assessment of the pre-charge evidence to determine whether a prima facie case is made out. The impugned order, it is argued, does not reflect such an evaluation.

7. The petitioners contend that the learned Magistrate erroneously proceeded on the premise that all defence contentions can only be considered during trial, thereby undermining the purpose of Section 245 Cr.P.C., which empowers the court to discharge an accused where the

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evidence is insufficient to proceed.

8. It is argued that the power of discharge exists to prevent unwarranted trials in cases where the prosecution evidence, even if unchallenged, does not establish a legally sustainable case.

9. The petitioners further submit that the learned Magistrate wrongly held that the presence of disputed questions of fact necessarily warrants a full trial, even in the absence of foundational facts constituting the alleged offences.

10. It is contended that the learned Magistrate failed to consider that the allegations had earlier been investigated in Rajeev Nagar P.S. Case No. 13 of 2012, culminating in Final Form No. 55 of 2014, wherein the Investigating Officer found no sufficient material to prosecute the accused.

11. Although not bound by the police report, the learned Magistrate, it is argued, failed to assign any reasons for disregarding the findings in the Final Report, thereby rendering the impugned order legally unsustainable.

12. The petitioners also point out that the protest-cum-complaint petition was filed nearly four years after submission of the Final Report, without any satisfactory explanation, raising serious doubts regarding the bona fides of the prosecution.

13. It is further submitted that the prosecution is based on an alleged payment of ₹31,03,800/-; however, no legally admissible documentary evidence has been produced to establish receipt of the said amount by the petitioners.

14. The complainant, it is argued, failed to produce original bank statements, deposit slips, cheques, RTGS/NEFT records, vouchers, receipts, or any other bank documents to prove the alleged transfer of funds. In the absence of such evidence, the prosecution case lacks foundation.

15. The petitioners assert that the complainant, being a Branch Manager of a bank at the relevant time, had access to banking records and could potentially influence or manipulate them. However, this defence was neither

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considered nor addressed in the impugned order.

16. It is further contended that allegations regarding manipulation of banking records and deletion of entries during migration to the Core Banking System remain unsubstantiated, as no expert opinion, forensic report, or audit evidence has been produced.

17. The petitioners also argue that the learned Magistrate improperly relied upon photocopies of documents, including an alleged agreement dated 19.10.2007, without establishing the admissibility of secondary evidence or producing the original document.

18. It is submitted that only the complainant and one enquiry witness were examined, with no independent witness or bank official examined to prove the alleged financial transaction.

19. The petitioners contend that, even if the allegations are accepted in their entirety, the dispute is essentially civil in nature, arising out of a business arrangement involving investment and shareholding, and does not constitute a criminal offence.

20. It is argued that an essential ingredient of Section 420 IPC namely, dishonest intention at the inception of the transaction is absent from both the complaint and the evidence.

21. Similarly, the offence under Section 403 IPC is not made out in the absence of proof that the complainant's property came into the possession of the accused and was subsequently misappropriated.

22. The petitioners submit that the impugned order is cryptic and non-speaking, as it fails to consider material aspects such as the Final Report, absence of admissible evidence, inadmissibility of documents, and failure to establish essential ingredients of the alleged offences.

23. It is further contended that the impugned order is contrary to settled legal principles laid down by the Hon'ble Supreme Court in several decisions, including *Hridaya Ranjan Prasad Verma v. State of Bihar*; *Indian Oil Corporation v. NEPC India Ltd.*; *GHCL Employees Stock Option Trust*

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*v. India Infoline Ltd.; Ajoy Kumar Ghose v. State of Jharkhand; and Pepsi Foods Ltd. v. Special Judicial Magistrate*, which emphasize the distinction between civil and criminal liability and the scope of discharge under Section 245 Cr.P.C.

**Submissions on Behalf of the State**

24. The learned Public Prosecutor submits that the impugned order is well reasoned, suffers from no illegality, and warrants no interference. Hence, the revision petition deserves to be dismissed.

**Statutory Provision**

25. Before proceeding further, Section 245 Cr.P.C. is reproduced.

*When accused shall be discharged- (1) If, upon taking all the evidence referred to in Section 244, the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.*

*(2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.*

**FINDINGS**

26. Upon consideration of the complaint, the solemn affirmation of the complainant, and the depositions of CW-1 (Manju Bala Saran) and CW-2 (Manoranjan Prasad), it cannot be concluded that no case is made out against the petitioners which, if unrebutted, would fail to warrant conviction.

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27. Having regard to the facts and circumstances, the rival submissions, and the materials available on record, it is evident that the contents of the complaint are supported by the complainant's solemn affirmation as well as the depositions of the enquiry witnesses recorded before charge. These materials disclose a prima facie case against the accused for offences under Sections 403 and 420 IPC. Accordingly, it cannot be said that no case is made out against the petitioners. The impugned order dated 12.06.2026 does not suffer from any illegality.

28. In view of the above, the present criminal revision application is **dismissed.**

**(Dictated)**

**Sd/-**

**(Rupesh Deo)**  
**Sessions Judge, Patna**

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