# <u>*IN THE COURT OF ADDITIONAL SESSIONS JUDGE-XXX, PATNA.*</u>

## <u>*A.B.P. No. 3204 of 2026*</u>

**(Arising out of Gandhi Maidan PS. Case No.- 64 of 2026, District- Patna)**

u/s 318(4), 316(2), 3(5) of B.N.S.

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1. Achin Kalra, aged about 33 years, gender male, S/o Sri Anil Kalra alias Anil Kumar Kalra, resident of Flat No. 901, Almond C, Omex, R2, Amar Shaheed path, Near Police Headquarters, Arjunganj, Gomatinagsar, Lucknow, P.O. and P.S. Gomatinagar, Town & District - Lucknow 226010, State of Uttar Pradesh.......................Petitioner.

Versus

1. State of Bihar.........................................................................................................................O.P.

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**<u>09.09.2026</u>**

1. This anticipatory bail petition no. 3404 of 2026 has been filed by above mentioned named petitioner apprehending his arrest in connection with **Gandhi Maidan PS. Case No.- 64 of 2026**, registered U/s 318(4), 316(2), 3(5) of B.N.S.

2. The story of prosecution is in brief that the informant Nand Kishore Prasad has stated in his written report that he is the owner of one LS Complex, a commercial complex. One Rahul Kalra took a office in the said complex and open his office on 4th floor in the name & style of Washing Express. In course of the same they used to know each other. The informant further alleged that Rahul Kalra gave him a proposal to become partner in Washing Express and further asked him to invest money in the same. Accordingly the informant gave rupees 1,49,35,000/- to Rahul Kalra and his men. Besides the informant gave Cash of about 5,00,000/- after withdrawing the same from his Canara Bank account. After few month, when the informant asked for Partnership Deed and demanded Profit Loss account, the accused Rahul Kalra started postponing the same. the informant asked him to return his money back, The informant admitted that the accused Rahul Kalra has returned a total of rupees 8,94,000/- to him. The informant further alleged that when he went to the house of the accused Rahul Kalra demand his remaining amount, the wife of Rahul Kalra, the petitioner, his father and brother quarreled with him and refused to return his remaining amount. Again, on 23.10.25 at LS Complex, when the informant demanded his amount from Rahul Kalra, he started abusing & threatening him and refused to return his amount. Later in the absence of the informant, the accused Rahul Kalra vacated his office and fled away. Rent of the last month was also became dues. On the basis of the aforesaid written report the present Gandhi Maidan P.S. Case no. 64/2026 has been lodged for the offences punishable under section 318(4), 316(2) ,3(5) B.N.S.

3. It has been submitted by the Ld. Counsel for the petitioner that the petitioner is quite innocent and he has not committed any offence. The petitioner having five criminal antecedent. It is submitted that no specific criminal overt act has been assigned to the present petitioner and that no offence, as alleged, is made out against him under Sections 318(4), 316(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. Learned counsel further submits that from a plain reading of the prosecution case, the dispute is essentially civil in nature and that the informant has resorted to criminal proceedings only for recovery of alleged commercial dues, which amounts to an abuse of the process of law. On this ground also, it is submitted that the petitioner deserves to be enlarged on bail in the event of his arrest/surrender. It is further submitted that the petitioner is neither a Director nor an employee of Rondella Laundromat Private Limited or Rondella Marketing Private Limited and has no concern whatsoever with the aforesaid companies. In this regard, learned counsel submits that Rondella Laundromat Private Limited is a private limited company incorporated under the Companies Act, 2013 on 22.09.2017, having its registered office at 28/A, Sri Krishna Puri, Patna, Bihar – 800013. The Directors of the said company are stated to be (i) Rahul Kalra, (ii) Prem Kumar Singh, (iii) Bibeka Nand Kumar, (iv) Parmanand Kumar and (v) Dhiraj Kumar. It is specifically submitted that the present petitioner was never a Director or employee of the said company and had no role in managing its affairs. Learned counsel further submits that Rondella Marketing Private Limited is also a private limited company incorporated under the Companies Act, 2013 on 20.08.2019, having its registered office at Opposite Park No. 2, House No. 111, 1st Floor, Shri

Krishna Nagar, Road No. 22, Patna, and that its present status is stated to be struck off. Rahul Kalra is stated to be its Director. It is reiterated that the petitioner was never a Director or employee of the said company and had no concern with or role in managing the affairs thereof. It is next submitted that the petitioner used to handle the day-to-day operations of Shubhaprada Laundromat Pvt. Ltd., based at Lucknow, Uttar Pradesh, as a non-executive director, although it is also stated that the petitioner is neither a Director nor a shareholder of the said company. Learned counsel has referred to and relied upon the photocopy of the details of Shubhaprada Laundromat Pvt. Ltd. annexed as Annexure-4. Learned counsel further submits that the petitioner is the own brother of co-accused Rahul Kalra. It is submitted that the petitioner had received certain funds from his brother in his bank account, but he was not aware of the source from which his brother Rahul Kalra had obtained the said funds. According to the petitioner, he was also unaware of the fact that his brother had taken any loan or similar financial liability from the informant. It is submitted that the amount which was credited into the petitioner's account by the informant was immediately transferred by the petitioner to other lenders or vendors, which, according to learned counsel, would be evident from the bank statement of the petitioner. Learned counsel further submits that the informant allegedly invested Rs.1,49,35,000/- through bank transactions and Rs.50,00,000/- in cash with co-accused Rahul Kalra. It is submitted that Rahul Kalra is stated to have already returned a sum of Rs.89,40,000/- to the informant. According to learned counsel, the subsequent story set up by the informant against the present petitioner is false, baseless, concocted and manufactured and has been introduced only to implicate the petitioner in the present criminal case. It is also submitted that the petitioner is a law-abiding citizen and has great respect for this learned Court and the Indian judicial system. The petitioner undertakes to cooperate throughout the investigation and to facilitate the Investigating Authority in completing the investigation and in ascertaining the correctness or otherwise of the allegations in accordance with law. Learned counsel submits that there is no likelihood or possibility of the petitioner absconding or evading the process of law or facing the trial, if required. It is further submitted that there is no possibility of the petitioner tampering with the evidence or terrorizing or influencing any witness in any manner. It is lastly submitted that the petitioner undertakes to cooperate with the Court, to appear and face the trial, if required, and is ready to furnish adequate sureties/security and to abide by any condition that may be imposed by the Court while granting bail. Learned counsel, placing reliance upon the settled principle that bail is the rule and refusal is an exception, submits that the present case is a fit case for exercise of the discretionary jurisdiction of this Court in favour of the petitioner. It is further submitted that the intention of the legislature is not to arrest every suspect first, detain him in custody and thereafter release him on bail, particularly when his custodial interrogation is not required. On the aforesaid grounds, learned counsel for the petitioner has prayed for grant of bail to the petitioner.

4. Per contra, Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail. It has been submitted that the prosecution has collected specific documentary material demonstrating receipt of Rs.15,00,000/- in the account of the petitioner. It is further submitted that the petitioner has criminal antecedents, which are reflected in paragraphs 39, 45, 46, 48, 50 and 51 of the case diary. It is therefore contended that the petitioner does not deserve the discretionary and extraordinary protection of anticipatory bail.

5. At this stage, it is necessary to examine the specific role attributed to the present petitioner rather than merely proceeding on the submission that the allegations have been made against several members of the family. In this regard, the material placed on record by the prosecution assumes significance. The informant has produced the account details showing that an amount of Rs.11,00,000/- was transferred through RTGS on 11.07.2022, bearing transaction reference CNRBR52022071185961913, through ICIC0000404, and a further amount of Rs.4,00,000/- was transferred through RTGS on 21.07.2022,

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bearing transaction reference CNRBR52022072186621624, through the same bank code. Thus, the material collected during investigation prima facie establishes financial transactions totalling Rs.15,00,000/- in the account of the present petitioner. It is also relevant that, during the hearing, the petitioner initially disputed receipt of the aforesaid amount but subsequently accepted the receipt of Rs.15,00,000/-. His stand, thereafter, is that the said amount was returned. However, at this stage, no material of such cogency has been placed before the Court which would completely neutralise the specific financial material collected by the investigating agency. Whether the amount was subsequently returned, for what purpose it was received, and whether the transaction constituted a legitimate business transaction or formed part of the alleged offence are matters which require proper investigation and appreciation of the entire financial trail. The contention that the allegation against the petitioner is merely omnibus because similar allegations have been made against his family members cannot, at this stage, be accepted in view of the specific banking transactions directly relatable to the present petitioner. The Court is not required to conduct a mini-trial while considering an application for anticipatory bail. The existence of specific material connecting the petitioner with the disputed transaction is sufficient for the present purpose. The submission that the dispute arises out of a business transaction also does not, by itself, warrant grant of anticipatory bail. A commercial transaction may give rise to civil consequences, but where the prosecution has collected prima facie material indicating dishonest conduct and the ingredients of a penal offence are alleged, the mere existence of a business relationship cannot be treated as a ground to exclude criminal investigation altogether. The Hon'ble Supreme Court has repeatedly emphasised that economic offences require a different approach in the matter of bail, particularly where investigation into financial transactions, money trail and the role of different persons is still required. In **P. Chidambaram v. Directorate of Enforcement, (2019) 9 SCC 24**, the Supreme Court observed that grant of anticipatory bail at the stage of investigation in economic offences may hamper effective investigation and that custodial interrogation can be an effective mode of interrogation. Likewise, the Supreme Court has recently reiterated that while considering anticipatory bail, the Court has first to examine the prima facie case, the nature of the offence and the severity of punishment. It has also clarified that even where custodial interrogation is not indispensable, that circumstance by itself cannot be treated as sufficient ground for granting anticipatory bail. **P. Krishna Mohan Reddy v. State of Andhra Pradesh, 2025 SCC OnLine SC 1157**, as reiterated in the Supreme Court's judgment dated 31.07.2025. The other important circumstance against the petitioner is his criminal antecedents. The case diary paragraphs 39, 45, 46, 48, 50 and 51 disclose previous criminal cases/antecedents against him. Such antecedents cannot be brushed aside while exercising discretionary jurisdiction under Section 482 BNSS. The antecedents are particularly relevant when the Court is called upon to extend the extraordinary protection from arrest and investigation. It is well settled that anticipatory bail is not to be granted as a matter of course. The Court has to strike a balance between the individual's liberty and the interest of a fair and unhindered investigation. The Supreme Court has also observed that in cases involving serious economic offences, the Court must carefully consider the possibility that protection from arrest may impede the investigation or collection of material which may still be concealed or required to be recovered. In the present case, there is specific material showing receipt of Rs.15,00,000/- by the petitioner, comprising two RTGS transactions of Rs.11,00,000/- and Rs.4,00,000/- respectively. The petitioner initially denied the receipt and subsequently admitted it, while disputing the allegation regarding non-return. Although the amount was received in the petitioner’s account, he has taken the stand that he has no connection whatsoever with the partnership or the business. However, when this Court, in open court, asked him about returning the money, he stated that the amount would be repaid through the business. This contradictory stand itself reflects the entire factual position and clearly indicates that the petitioner’s intention is mala fide. It further appears that the petitioner is not only attempting to mislead the Court but is also seeking to perpetrate a fraud upon the Court.

**Present: Sarika Vahalia, A.S.J. XXX, Patna**
**09.09.2026**

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Further, the case diary reflects his criminal antecedents. These circumstances, taken cumulatively, persuade this Court that the petitioner has failed to make out a case for the discretionary relief of anticipatory bail. It is clarified that the observations made herein are confined to the consideration of the present prayer for anticipatory bail and shall not be construed as a final expression on the merits of the prosecution case. The investigating agency shall conduct the investigation independently and in accordance with law. In view of the facts and circumstances discussed hereinabove, particularly the specific financial transactions of Rs.15,00,000/- credited into the account of the petitioner, the subsequent stand of the petitioner regarding the said amount, the nature of the allegations involving financial transactions, and his criminal antecedents as reflected in paragraphs 39, 45, 46, 48, 50 and 51 of the case diary, this Court is not inclined to extend the extraordinary privilege of anticipatory bail to the petitioner.
Hence, In view of above facts and circumstances, the prayer for anticipatory bail of the petitioner **Achint Kalra** is hereby **rejected.**

(Dictated & Corrected)

Sd/-
(Sarika Vahalia)
Additional Session Judge-XXX, Patna
09.09.2026