

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10869 of 2025

Arising Out of PS. Case No.-181 Year-2023 Thana- SERGHATI COMPLAINT CASE
District- Gaya

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1. Sunil Kumar @ Sunil Prasad S/O Dwarika Lal Resident Of Village- Roshanganj, P.S.- Roshanganj, District- Gaya.
 2. Golu Kumar @ Sahil Raj S/O Sunil Kumar @ Sunil Prasad Resident Of Village- Roshanganj, P.S.- Roshanganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bahadur Shah Nayar S/O Md. Sahabuddin Khan Resident Of Village- Belhari, P.S.- Roshanganj, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 22-07-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 323 and 504 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The allegation in the complaint is that the accused persons had promised to provide loan from Khadi Gram Udyog out of which 10% of the loan amount will be taken by the petitioner no.2. It is further alleged that the complainant had



given a total of Rs. 4,40,000/- in the account of the petitioner no. 1 and Rs. 5,00,000/- by way of cash.

4. Learned counsel for the petitioners submits that as stated in para-9 of the bail application that since the complainant refused to purchase the land and asked for the return of his money, the petitioner no.1 transferred the money through Phonepe app and now there is no dues against the petitioner. Annexure-2 (series) has been brought on record to show the transfer of money through Phonepe App. However, the petitioners do not agree that any amount was paid in cash.

5. Learned counsel for the opposite party no.2 denies that fact that any money have ever been transferred into the account of the complainant, much less than Rs.4,40,000/- or a sum of Rs. 5,00,000/-.

6. There seems to be a claim and counter claim which would be thrased out subsequently during the course of trial by leading of evidence. However, at this stage learned counsel for the petitioners has made an offer that in order to show his bona fide he is agreeable to pay half of the amount of Rs.4,40,000/- i.e. Rs. 2,20,000/- in installments.

7. In such view of the matter, let the above named petitioners in the event of their arrest or surrender before the



learned Court below within a period of six weeks from today, be enlarged on **provisional bail** upon payment of first installment of Rs.1,00,000/- in the learned court below on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 181 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

8. However, after further payment of the rest of the amount within a period of two months, the provisional bail granted to the petitioners shall stand confirmed by the learned Court below. However, it is also made clear that payment of the money would be subject to final outcome of the case.

(Soni Shrivastava, J)

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