

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14666 of 2025

Arising Out of PS. Case No.-688 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Rahul Kumar Son of Prithivi Raj Singh Resident of Vill- English, Ward No. 2,
P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gopal Kumar S/o- Kedar Prasad Sharma, Village-Wallipur, P.S.- Piparia,
Dist.- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Lakhisarai P.S. Case No. 688 of 2024, registered for the offences punishable under Sections 338, 336(3), 340(2), 318(4), 316(2), 126(2), 115(2), 308(4), 352, 351(2) and 3(5) of B.N.S., 2023.

3. Allegedly, the petitioner along with one co-accused Raja Ram Kumar by persuading the informant, realized heavy money and got the different land executed through Bhikho Devi in her favour. It is further alleged that on being found the land short, as per the agreement, the informant asked to return the remaining amount, but the same was refused. It is further



alleged that when the informant went for mutation of land, then he came to know that the accused persons by cheating her got another land executed.

4. Learned Advocate for the petitioner contended that *prima facie* it appears that the petitioner has played the role of broker along with one Raja Ram Kumar. It is the admitted position that the entire amount has been credited in the account of Bhikho Devi, who is said to have been executed the land in favour of the informant. Moreover, the FIR clearly suggest that initially the land was executed on consideration money of Rs. 39,50,000/-. However, when the land, in question, was found short, the informant asked to return rest of the money of Rs. 6,00,000/-. It is further contended that it is not the case that the land has not been executed rather it is the case of the informant that the land, which was executed falling short in area; moreover, the petitioner has neither the owner of the land nor any amount has been credited in his account. It is lastly contended that even if the allegation taken to be true, pre dominantly it appears to be civil in nature.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that it is the petitioner, who persuaded the petitioner to get the land executed



and in collusion with owner, he cheated the informant and misappropriated the money.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, which *prima facie* appears to be civil in nature, coupled with the fact that no transaction has taken place between the petitioner and the informant as also the factum of delay in lodging of the FIR, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Lakhisarai in connection with Lakhisarai P.S. Case No. 688 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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