

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12131 of 2025

Arising Out of PS. Case No.-117 Year-2021 Thana- SHAHPUR PATORI District- Samastipur

Barun Kumar S/O Kantlal Ray R/O Vill.- Hasanpur Surat, P.O and P.S-
Shahpur Patori, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Adv.
		Mr. Santosh Kumar, Adv.
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Lakshmindra Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

6 08-10-2025 Heard learned counsel for the petitioner, learned APP
for the State and counsel for the informant. Perused the case
diary.

2. The petitioner seeks bail in connection with
Shahpur Patori P.S. Case No. 117 of 2021 instituted for the
offences under Sections 406, 420 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
in the name of execution of land has taken advance Rs.
20,00,000/- from the informant but, even after agreement, he did
not execute the sale deed in favour of the informant though the
informant was ready to pay the balance amount of Rs.
2,00,000/-. It is further alleged that on the insistence of
Sarpanch, he gave cheque of Rs. 6,40,000/- to the informant but,
the same also could not be encashed as the petitioner had put



hold on the cheque.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the petitioner is the sole accused in this case which creates suspicion in the entire prosecution case. It is further submitted that at the time of preparation of agreement, he paid a sum of Rs. 20,00,000/- which seems suspicious because no person can give an amount of Rs. 20,00,000/- cash on agreement paper which itself creates doubt in the prosecution case and the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner further submits that both the petitioner and the informant were business partners and there is an admitted on-going monetary dispute between them for which the wife of the petitioner has also lodged a Complaint Case No. 223 of 2025 against the informant. Learned counsel for the petitioner further submits that the informant of this case has already filed a money suit being Money Suit No. 3 of 2023 before the learned court below which is pending and the petitioner is appearing on regular basis in that case. Learned counsel for the petitioner lastly submits that the petitioner was



granted anticipatory bail by the learned court below but, the petitioner could not surrender on time. The petitioner has one criminal antecedent as has been stated in the supplementary affidavit filed by the petitioner and is languishing in judicial custody since 19.12.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that earlier the petitioner was granted privilege of anticipatory bail with a condition that the petitioner will have to file a bank draft of Rs. 6,40,000/- to the learned court below in favour of the informant then his bail bond will be accepted by the learned court below but, the petitioner neither complied the order of the learned court below nor surrendered within time.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also taking into account the fact that the money suit has already been filed by the informant which is still pending between the parties, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shahpur Patori P.S. Case No. 117 of 2021.

7. Interlocutory application/s, if any, also stands disposed of.

(Rudra Prakash Mishra, J)

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