

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72553 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- DARBHANGA District- Darbhanga

Raghav Saraf Son of Dilip Saraf Resident of Shyamkunj, Village-Mirzapur
Chowk, Opp -I.O.C Petrol Pump, PS- Town Sadar, Distt.- Darbhanga, Bihar
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26384 of 2025

Arising Out of PS. Case No.-303 Year-2023 Thana- DARBHANGA District- Darbhanga

Archana Saraf Son of Dilip Saraf @ Dilip Kumar Saraf village- Mirzapur
Chowk, Ps- Town, Darbhanga
... .. Petitioner/s

Versus

1. The State of Bihar

2. Sanjay Kumar Jaiswal S/O- Late Ramnath Choudhary, Vill- Mufti Mohalla
PS-Nagar Darbhanga, Dist- Darbhanga pin code- 846004
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 72553 of 2024)
For the Petitioner/s : Mr. Kanchan Kumari
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh
For the informant Mr. Padmanabh Kashyap
Mr. Deepak Kumar
(In CRIMINAL MISCELLANEOUS No. 26384 of 2025)
For the Petitioner/s : Mr.Kanchan Kumari
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 05-08-2025 As both these bail applications arise from the same

police station case number, hence, with consent of parties, they

are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no. 2.



3. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 406, 467, 468, 471, 506, 120B/34 of the Indian Penal Code.

4. The allegation in the first information report is that the informant entered into an agreement for sale with one Anamika Singh for a plot of land and in view of the same, besides giving money to the said Anamika Singh, payment was also made to these petitioners along with others. However, despite several request of the informant, the sale deed was never executed in his favour and thus, he was cheated.

5. Learned counsel for the petitioners submits that it would be apparent from the first information report itself that the agreement to sale was with co-accused Anamika Singh, who was the owner of the said plot of land. So far as these petitioners are concerned, even according to the details of payment which forms a part of the first information report, would show that an amount of Rs. 9,00,000/- has been handed over to these petitioners and that too in cash. There is neither any account transaction nor any chit of paper to substantiate the fact that the said amount was ever handed over to the petitioners. The only factor going against the petitioners is that the petitioners are only the witnesses to the agreement to sale. It has been submitted that most of the



payment through RTGS has been paid into the account of the co-accused Anamika Singh and her sons which would be evident from the details of payment in the FIR. Further, the petitioners are themselves being harassed by the informant who is a land Mafia/grabber and a complaint case bearing RC No. 1231 of 2023 has been filed by the petitioner Raghav Saraf against the present informant relating to threatening etc. In any view of the matter, it has been submitted that it is out and out a civil dispute relating to money transaction between the petitioners and the co-accused persons.

6. Learned APP for the State and learned counsel for the opposite party no. 2, however, strongly oppose the application for anticipatory bail. It has been submitted on behalf of the opposite party no. 2 that an amount of Rs. 12,00,000/- was taken by these petitioners who had actually acted as liasoning agents and now they are trying to shirk off from their responsibility. It has also been pointed out that the petitioners are accused in another case of similar nature and hence, they do not deserve the privilege of anticipatory bail.

7. Taking into consideration the fact that there is no substantive material against the petitioners but for the fact that they have signed the agreement to sale as witnesses, let the



above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond 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 Darbhanga Sadar Town P.S. Case No. 303 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. subject to the further condition that the petitioner would cooperate in the process of investigation and would make themselves available before the Investigating Agency as a when required and in case of non-cooperation, the prosecution would be at liberty to file an application for cancellation of bail.

(Soni Shrivastava, J)

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