

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19654 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Arun Kumar @ Arun Kumar Rai Son of Late Maheshwar Rai Resident of
village - Sirdilpur, P.S.- Patory, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rashmi Jayswal Wife of Late Jitendra Kumar @ Jitendra Kumar Jayswal
Resident of village - Hasanpur Surat Patory Bazar, P.S.- Patory, Distt. -
Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Khushi Awadh, Adv.
For the Opposite Party/s	:	Mr.Raj Ballabh Singh, APP
For the Informant	:	Mr. Rajeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Patory
P.S. Case No. 215 of 2024 instituted for the offences under
Sections 405 and 420 of the Indian Penal Code.

3. As per prosecution case, the petitioner is the
accused of absconding after receiving a total of Rs. 25,40,000/-
from the informant in various ways in the name of land sale
without executing the registration of the land.

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.



He further submits that even if the prosecution story is believed to be true, the informant has not brought the agreement dated 24.11.2023 on record which creates doubt in the prosecution case. Learned counsel for the petitioner further submits that if the informant has made payments to the petitioner then she should have moved before the learned court below under the Specific Performance Act but, she has chosen the criminal forum for the reason best known to her. The petitioner has not received a single penny from the informant. He further submits that the details of the land, as mentioned in the F.I.R., does not contain the name of the owner and, thus, admittedly, the petitioner is not the owner of the said land. The petitioner has three criminal antecedents and is languishing in judicial custody since 24.12.2024 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.

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, the dispute being civil in nature as also taking into account the availability of alternative remedy under the Specific Performance Act, 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 Patory P.S. Case No. 215 of 2024.

7. The learned court below is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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