

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26587 of 2024**

Arising Out of PS. Case No.-344 Year-2021 Thana- MUNGER COMPLAINT CASE  
District- Munger

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Subodh Kumar SON OF KRISHNA DEO PRASAD @ KRISHNA PRASAD  
RESIDENT OF VILLAGE- KHALASI, PS- JHAJHA, DIST- JAMUI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RAJENDRA PRASAD YADAV SON OF LATE SITABI PRASAD YADAV  
RESIDENT OF VILLAGE- RAM BIHARIPUR KABIR MANDIR, PO  
AND PS- HAVELI KHARAGPUR, DIST- MUNGER, DIST- MUNGER

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Siyaram Pandey  
For the Opposite Party/s : Mr.Md. Matloob Rab

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

11    23-06-2025                      Heard learned counsel for the petitioner, learned APP  
  
for the State and learned counsel for the complainant/opposite  
  
party no.2.

2. The petitioner apprehend his arrest in a case for  
  
the offence punishable under Sections 420, 467, 468, 323 and 34  
  
of the Indian Penal Code.

3. The prosecution case as per complaint is that the  
  
complainant after retirement became a “*Kabirpanthi*” and he  
  
came into close contact with one Subodh Kumar (petitioner) to  
  
whom he subsequently, gifted 5 *bighas* of land. It is further  
  
alleged that the said Subodh Kumar pressured him to transfer  
  
other lands also in their favour. It has also been alleged that the



petitioner has fraudulently withdrawn an amount to the tune of Rs. 85 lakhs from the account of the complainant by getting his signatures and misusing the same.

4. Learned counsel for the petitioner submits that as a matter of fact the petitioner was the “*sewadar*” with the complainant in the Kabir temple and the allegations of fraudulent withdrawal against him is totally false. With regard to 5 bighas of land, a title suit has been filed which is pending for adjudication at Munger Civil Court, a copy of the plaint is on record which is Annexure-P/2 to the petition. Learned counsel for the petitioner further submits that the account was actually a joint account in the names of the petitioner and the complainant and the same was operated with the consent of complainant. The allegation with regard to purchase of Scorpio vehicle was also done with the consent of the complaint. However, it has been submitted on behalf of the petitioner that considering the fact that the relations have soured between the parties now, he is agreeable on transferring the Scorpio vehicle back to the complainant and he is also willing to return four fixed deposits which is in the name of the complainant.

5. The application for bail is opposed by learned APP for the State and learned counsel for the complainant who



submits that the complainant has been duped by the present petitioner by obtaining his signatures on documents with fraudulent intention and misusing the same. Earlier, the matter had gone to the Patna High Court, Mediation Centre for mediation but the process of mediation has failed.

6. Counter affidavit filed on behalf of complainant and supplementary affidavit filed on behalf of petitioner is on record.

7. Taking into consideration the fact that the matter basically relates to a civil dispute and civil litigation between the parties is also going on and also considering that the petitioner has showed his *bona fide* by stating that he is willing to return the said Scorpio vehicle worth about Rs. 13 lakhs and also the four Fixed Deposits to the complainant, let the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on provisional bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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.344C of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the



B.N.S.S and the provisional bail granted to the petitioner would be confirmed by the learned court below after furnishing the receipt of the transfer of the Scorpio vehicle and the four Fixed Deposits with the maturity amount which is annexed as Annexure-5 to the main application.

8. The application stands disposed of.

**(Soni Shrivastava, J)**

Harsh/-

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