

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27773 of 2025

Arising Out of PS. Case No.-252 Year-2023 Thana- RAJGIR District- Nalanda

Gaurav Kumar, Male, aged about 29 years, son of late Karu Singh, R/O
Village- Bangalipara, P.S.- Rajgir, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gajendra Singh, Male, aged about 62 years, S/O Late Mosafir Singh, R/O
Village- Bangalipara, P.S.- Rajgir, Dist.- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Anjani Pd. Singh, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the OP No.2	:	Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 18-07-2025 Heard learned counsel for the petitioner; learned

Additional Public Prosecutor for the State and learned counsel

for the Informant-opposite party no.2.

2. The petitioner apprehends arrest in connection with

Rajgir PS Case No.252 of 2023 dated 16.05.2023, instituted

under Sections 420, 406, 506, 120-B/34 of the Indian Penal

Code.

3. The prosecution case, in brief, is that the informant

met with the petitioner on 14.09.2022 and discussed about the

land and deal was finalized upon which the informant gave

rupees twenty lakh to the petitioner. Co-accused, Pankaj Kumar,

gave him three cheques as surety. As per the time frame, when



the petitioner demanded the land then the FIR named accused persons including the petitioner threatened to kill him and told that they will implicate him in a false case. When the wife of the informant demanded the money back, all the accused persons became angry and started abusing.

4. Prayer of the petitioner for grant of anticipatory bail was earlier rejected by this Court vide order dated 21.09.2024 passed in Cr. Misc. No.44945 of 2024. This is the second attempt.

5. Learned counsel for the petitioner submits that, now, the petitioner is ready to return rupees twenty lakhs to the informant-opposite party no.2 in installments.

6. Learned APP has opposed the prayer for bail.

7. Learned counsel for the informant-opposite party no.2 submits that once the prayer of the petitioner for anticipatory bail has been rejected on merit. However, if the petitioner is ready to pay the amount, in question, appropriate order may be passed.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is of the view that since the petitioner has become ready to refund the amount of rupees twenty lakhs to the informant-



opposite party no.2, the petitioner deserves to be released on anticipatory bail subject to payment of rupees ten lakhs at the time of furnishing bail bonds and the remaining amount in two installments.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on **provisional bail for a period of three months** upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, in Rajgir PS Case No.252 of 2023, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further:

- (I) That the petitioner shall make payment of rupees ten lakhs to the informant-opposite party no.2 through Demand Draft at the time of furnishing bail bonds in the trial Court.
- (II) That the remaining amount of rupees ten lakhs shall be paid to the informant through Demand Draft in two equal installments i.e. of rupees five lakh each within two months from the date of furnishing bail bonds.



- (III) That the Court below upon deposit the Demand Draft(s) as aforesaid shall handover the same to the informant-opposite party no.2 on proper verification.
- (IV) That if the petitioner fails to deposit any of the installment as aforesaid, the bail bond of the petitioner shall stand cancelled.
- (V) That upon payment of the entire amount i.e., rupees twenty lakhs to the informant-opposite party no.2 by the petitioner, the provisional bail of the petitioner shall be confirmed by the Court below itself.

10. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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