

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31873 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

1. Amit Kumar S/O Uday Kumar Verma R/O Village- Govardhan Bigha, P.S- Katrisarai, Distt.- Nalanda.
2. Meena Devi W/O Uday Kumar Verma R/O Village- Govardhan Bigha, P.S- Katrisarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Adv

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 30-06-2025 Heard learned senior counsel for the petitioners,

learned counsel for the O.P.No.2 and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406,420,120(b)/34 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.

3. The allegation in the FIR is that one Uday Kumar Verma had entered into an agreement with the informant for purchasing four floor building which was settled for an amount of Rs. 39,50,000/- and money was transferred into his account and was also given by way of cash, whereafter an agreement to sale was duly signed by the parties showing receiving of the amount upon which the other accused persons were also witnesses. It is further alleged that subsequently, Uday Kumar Verma did not execute the sale deed after receiving the total amount.



4. Learned senior counsel appearing for petitioner no. 1 submits that it would be apparent from bare reading of the FIR that the agreement of sale was executed by Uday Kumar Verma in favour of the informant (Balmiki Prasad) and the entire payment was received by him. So far as the petitioner no. 1 is concerned, against him, the only allegation is that he has signed as a witness on the said agreement and he has been made an accused since he happens to be the son of Uday Kumar Verma. It has further been brought to the notice of the court that vide earlier order dated 01.05.2025, the petitioner no. 2, who happens to be the mother of petitioner no. 1, was already granted the privilege of anticipatory bail. Subsequently, today, it has also been pointed out that the main accused Uday Kumar Verma is in custody. Further submission is that petitioner no. 1 is posted as a teacher at Middle School, Nagarnausa, Nalanda and he undertakes to co-operate with the investigation/ trial.

5. Learned counsel appearing for OP.No.2 however, vehemently opposes the grant of anticipatory bail on the ground that the petitioner is the main conspirator and he has a substantial role in the entire transaction as he not only happens to be a witness to the agreement of sale but also a witness to a subsequent sale deed, which was executed by Uday Kumar



Verma in favour of different persons.

6. Taking the rival contentions into consideration, it would appear that the main allegation in the FIR has been imputed on Uday Kumar Verma, who has already been arrested and is in custody and so far as the petitioner no. 1 is concerned, he is merely a witness on the agreement to sale and the subsequent sale deed. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today, the petitioner no. 1 be released on bail on furnishing bail bonds of Rs 10,000/- (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 Laheri P.S. Case No. 11 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition:-

- (i) One of the bailors shall be a close relative/ family member.
- (ii) The petitioner would make an appearance before the investigation officer of the present case and would co-operate in the investigation of the case till the same is concluded.

(Soni Shrivastava, J)

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