

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27883 of 2025

Arising Out of PS. Case No.-508 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

-
1. Sushma Kumari W/O Vishundeo Kumar R/O Village- Bari Pahari, P.S- Laheri, Distt.- Nalanda.
 2. Vishundeo Kumar @ Vishnudev Kumar S/o Late Siyasharan Pandit R/O Village- Bari Pahari, P.S- Laheri, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar S/O Late Kailash Prasad R/O Village- Bari Pahari, P.S- Laheri, Distt.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 13-11-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No.2.
2. The petitioners apprehend their arrest in connection with Complaint Case No.508(c) of 2023, registered for the offence punishable under Section 420 of the Indian Penal Code.
3. Learned counsel for the complainant submits that the case was referred for mediation but then mediation failed.
4. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and is a woman and petitioner no.2 has antecedent of one case and the



complainant alleges that Sushma had mortgaged her house with a bank for which complainant gave an amount of Rs.48 lacs on 20.10.2021 for redeeming the mortgage, for which, an agreement was made on a stamp paper, further Rs.20 lacs was paid through account and rest by cash but when complainant asked to return the amount, she was abused.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that in the nature of allegation as alleged, it would manifest that the dispute is civil to which a criminal colour has been given. It is next submitted that if what is being alleged by the complainant is a correct fact, in that event, O.P. No.2 ought to have approached the Court of competent civil jurisdiction for getting the lis adjudicated.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No.2 opposes the prayer for anticipatory bail of the petitioners. The learned counsel appearing on behalf of the O.P. No.2 submits that there is specific allegation against the petitioners that they took an amount of Rs.48 lacs, out of which, Rs.20 lacs was paid through bank account and the petitioners had assured that the amount would be returned back as such an agreement was executed on a



stamp paper in support thereof but the moment the mortgaged property of the petitioners was redeemed the petitioners instead of returning the amount misappropriated the same.

7. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

8. The anticipatory bail application of the petitioners is rejected.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

