

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31693 of 2025

Arising Out of PS. Case No.-403 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

Baliram Singh son of Ram Belas Singh @ Ram Bilash Singh Resident of
Village - Bhainsaula, Post and P.S. - Kudra, District - Kaimur (Bhabua)
... .. Petitioner/s

Versus

1. The State of Bihar
2. Durga Shankar Singh Son of Late Munshi Singh Village- Bhadaula, PS-
Kudra, Dist- Kaimur (Bhabua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Adv. Mr. Utkarsh Shandilya, Adv. Mr. Saharsh Shubham, Adv.
For the Opposite Party/s :		Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kudra P.S. Case No. 403 of 2024, registered for the
offences punishable under Sections 420, 406 and 379/34 of the
Indian Penal Code.

3. Based upon the written report, the informant
alleged that on 15.10.2020, he had given an amount of Rs.
6,61,000/- in cash to co-accused Pujan Kumar Singh and the
petitioner., out of which some of the amounts was also credited
in the account of co-accused Pujan Kumar Singh. The entire
advance amount was given to the accused persons for
registration of the land in favour of the informant, but the



petitioner and the co-accused persons refused to register the amount and also did not return the money, hence the present FIR.

4. Learned Advocate for the petitioner contended that even as per the allegation, the amount was given on 15.10.2020, but surprisingly, the present FIR came to be instituted on 28.10.2024, after almost a delay of four years. Had the informant truly given the amount for executing the sale deed for the land in his favour, he should have approached before the Civil Court of competent jurisdiction by filing a suit for specific performance, but instead of doing so, when the time for filing of the suit for specific performance came to an end, the present FIR has been registered. In the FIR, there is neither whisper of any of the particulars of the land nor any paper has been brought on record, which suggest that the amount has been received by the petitioner. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submits that during the course of investigation, it has come that it is the petitioner, who has received the part of the amount. A copy of the agreement entered into with the informant and co-



accused Pujan Kumar Singh, where the petitioner is also said to be a witness has been shown before this Court.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the fact that, prima facie, the nature of allegation appears to be predominantly civil, as also the fact that the agreement, if any, is entered into with the co-accused Pujan Kumar Singh and the informant, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Mohania, Kaimur in connection with Kudra P.S. Case No. 403 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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