

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34764 of 2025

Arising Out of PS. Case No.-385 Year-2024 Thana- Arwal District- Arwal

Harinath Kumar S/O Jairam Sharma @ Jairam Singh R/O Village and PS-
Men, Distt-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhola Kumar S/O Kedar Shah R/O Village and Post- Baidarabad, PS-Arwal,
Distt-Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-06-2025 Heard Learned Senior Counsel for the petitioner and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Arwal P.S. Case No. 385 of 2024, lodged on 05.10.2024, under Sections 316(2)/318(2) of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against one named accused Vikash Kumar @ Rajnikant Kumar against whom there is allegation that he has entered into an agreement showing a map which was forged and took Rs.66,00000/- from



the informant when it has been identified to the informant that the said agreement is forged and fabricated/blocked land he has demanded his money returned back. Subsequently, at social level an agreement was prepared in which advance amount of Rs.26,40,000/- was decided to be returned for which time limit has also been fixed but it has not been returned. Therefore, this case has been filed showing that the breach of trust has been made.

4. Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the present petitioner is not named in the FIR. He submits that his name has figured in this case during investigation. Learned Senior Counsel fairly submits that the factual matrix has been supplemented by supplementary affidavit showing that the petitioner has entered into an agreement with one Shyamakant Kumar (a co-accused) from whom he has received rupees ten lakhs and ninety thousand, which he is always ready to refund to Shyamakant Kumar deducting Rs.85,000/- (which he has already returned according to his pleading). Counsel submits that the dispute in this case is not relating to agreement between the petitioner and Shyamakant Kumar rather the dispute has arisen for the



agreement which has been executed between the said Shyamakant Kumar with Bhola Kumar (informant). He submits that Bhola Kumar is Opposite Party No.2 in this case. Learned Senior Counsel further submits that whatever be the amount he has received from Shyamakant Kumar he is ready to refund Shyamakant Kumar. He submits that petitioner is in custody since 11.03.2025 having no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that it is necessary to hear the informant in this case. Counsel for the State submits that the ultimate money of the informant has been under misuse, therefore, it is necessary that notices be issued to Opposite Party No.2.

6. Upon the specific query of the Court that whether the said Shyamakant Kumar and Vikash Kumar have moved for bail or not?

7. Learned Senior Counsel intimates to this Court that Vikash Kumar has moved anticipatory bail before this Hon'ble Court in Cr. Misc. No.15211 of 2025 in which vide order dated 10.04.2025 no coercive steps has been granted in his favour and notices have been issued to Opposite Party No.2. He further submits that co-accused Shyamakant Kumar has moved before



this Hon'ble Court in Cr. Misc. No.34773 of 2025 which is pending before this Court.

8. In this background, let the petitioner, above named, be released on **provisional bail on his undertaking that he will return the amount to the concerned person as decided by this Court as and when occasion shall arise** on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Arwal, in connection with Arwal P.S. Case No. 385 of 2024, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

9. This application shall be kept pending and directed to be tagged with Cr. Misc. No.34773 of 2025. Registry is directed to place both the cases together.

10. In the meantime, issue notices to Opposite Party No.2 for his appearance either in person or through an Advocate to defend his case, by ordinary post as well as by Speed Post with A/D, for which requisites etc. must be filed within two weeks.

(Dr. Anshuman, J)

Mkr./-

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

