

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38425 of 2025

Arising Out of PS. Case No.-510 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Rajesh Kumar Tripathi S/O Kamakhya Tripathi @ Kaamakhya Tiwari R/O Village- Anwari,PO and PS- Mohania, Distict- Kaimur at Bhabua
2. Kamakhya Tripathi @ Kaamakhya Tiwari S/O Rupdev Tiwari R/O Village- Anwari,PO and PS- Mohania, Distict- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh S/O Ramayan Singh R/O Village-Mubarakpur,PS- Mohania, Distt- Kaimur (Bhabua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar Seth, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Akash Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 08-10-2025 At the outset, it is informed by learned counsel for the petitioners that Petitioner No.1, namely, Rajesh Kumar Tripathi has already died.

2. Hence, the present petition on behalf of the petitioner No.1, namely, Rajesh Kumar Tripathi has become infructuous.

3. Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

4. The Petitioner No.2 seeks bail, apprehending his arrest, in connection with Mohania P.S. Case No. 510 of 2023, dated 20.07.2023, registered for the offences punishable under



Sections 420, 467, 406, 341, 323 and 504/34 of the Indian Penal Code.

5. As per allegation, the informant negotiated sale of land measuring 2.5 decimal bearing Khata No. 63 and Plot No. 3112 for Rs.20,70,000/- with Tirupati Tirumala Construction Pvt. Ltd. through proprietors, namely, Rajesh Kumar Tripathi and Kamakhya Tripathi. The land belongs to one Satya Tripathi who was having power of attorney in regard to the land in question and by way of advance payment, Rs.5,50,000/- was paid in the account of co-accused/Rajesh Kumar Tripathi and Rs.14,00,000/- in the account of Satya Tripathi. However, later on he came to know from Satya Tripathi that this land is not for sale and she returned the whole amount to the informant and when money was demanded from the accused-petitioners, same was not given back by them.

6. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is no way involved in the whole negotiation in regard to sale of the land and even as per the F.I.R., no single paisa has been paid to the petitioner and as per allegation, Rs.5,50,000/- has been paid in the account of his son, who is no more. There is also no agreement for sale with



the accused-petitioner.

7. However, learned counsel for the informant as well as learned APP for the state oppose the prayer of the petitioner for bail submitting that petitioner was equally involved in the negotiation in regard to sale of the land in question and now he is not paying the money. Hence, petitioner has committed criminal breach of trust.

8. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

9. It has further been stated in paragraph no.3 of the bail petition that the petitioner No.2 has no criminal antecedent.

10. Considering the fact that not a single paisa has been paid to the petitioner and there is no agreement for sale with the accused-petitioner, **this petition is allowed**, directing the petitioner No.2, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Mohania P.S. Case No. 510 of 2023, subject to



the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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