

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51368 of 2024

Arising Out of PS. Case No.-555 Year-2021 Thana- ARA NAWADA District- Bhojpur

Rabish Kumar @ Rabish Kumar Shrivastava Son Of Ganga Prasad Village-
Chotka Kalyanpur, PS- Udwananagar, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi Wife of Kamlesh Rai Resident of Village- Bansipur, P.S.-
Shahpur, Distt.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 09-04-2025 Heard Mr. Deepak Kumar Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Kumar Jha,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Ara Nawada P.S. Case No. 555 of 2021 registered for the
offence(s) punishable under Sections 406 and 420 of the Indian
Penal Code.

3. As per the allegation made in the FIR, informant
has purchased land from the petitioner and his mother on
24.06.2009 vide registered sale deed for Rs.2,75,000/-. After the
said transaction, when the informant went for possession of the
said land, on the spot one Dharamnath came and stopped her.



The informant, in such circumstances, lodged an FIR that she has been cheated by the petitioner and other co-accused.

4. Learned counsel appearing on behalf of the petitioner informed that the petitioner has returned the entire amount, over and above a sum of Rs.2,75,000/-, which was the consideration value for the sale of land in question. On this ground, learned counsel submitted that the petitioner, once the petitioner has deposited a sum of Rs.4,25,000/-, then no case is made against the petitioner. The allegation is civil in nature. On these grounds the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having perused the allegation made in the FIR and submission made on behalf of the parties, I find that the allegation leveled against the petitioner in the FIR is purely civil in nature. Instead of cancellation of sale deed, the consideration amount has been returned back by the petitioner. The informant, who was noticed through Whatsapp and both by ordinary process, as also by registered post with A/D and also having been informed personally by the petitioner, has neither represented by her counsel nor has appeared in person. I am of the opinion that petitioner has, *prima facie*, made out a case to



be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Ara Bhojpur in connection with Ara Nawada P.S. Case No. 555 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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