

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79469 of 2024

Arising Out of PS. Case No.-267 Year-2024 Thana- BARHARIA District- Siwan

Vijay Kumar @ Vijay Prasad Son of Nathuni Prasad Resident of Village-
Barharia, P.S.- Barharia, District- Siwan Petitioner/s
Versus

1. The State of Bihar
2. Smt. Sandheya Kumari Jaysawal Wife of Ajay Kumar Resident of Village-
Barharia, P.S.- Barharia, Distt.- Siwan Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 40924 of 2025
Arising Out of PS. Case No.-267 Year-2024 Thana- BARHARIA District- Siwan

Shyam Sunder @ Shyam Sunder Kumar @ Shyamasundar Prasad S/o Nathuni
Prasad R/o Village- Barharia, P.S.- Barhria, District- Siwan Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 79469 of 2024)
For the Petitioner/s : Mr. Javed Aslam, Adv.
For the State : Mr. Ram Priya Sharan Singh, APP
For the Informant : Mr. Rohit Priyadarshi, Adv.
(In CRIMINAL MISCELLANEOUS No. 40924 of 2025)
For the Petitioner/s : Mr. Raghav Prasad, Adv.
For the State : Ms. Rina Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 24-07-2025 As both these bail applications have arisen from the same
police station case number, hence, with consent of parties, they are
being heard together and disposed of by this common order.

2. Heard learned counsels for the petitioners, learned APPs for
the State and learned counsel for the informant appearing in Cr. Misc.
No. 79469 of 2024.

3. The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 34, 406, 420, 467, 468,
471, 504, 506 of the Indian Penal Code.



4. The allegation in the FIR is that the informant had purchased a piece of land from one Doma Gadi on 26.10.2016 for consideration amount of Rs. 10,90,000/- and both the petitioners had acted as mediator in the said transaction and the informant had paid two cheques of Rs. 1,00,000/- and Rs. 20,000/- to the petitioners, respectively, but subsequently, she was informed that the said sale deed is void as the land in question does not stand in the name of Doma Gadi.

5. Learned counsel for the petitioners submits that the FIR itself would show that the sale deed (Annexure-2) had been executed by one Doma Gadi and the role of the petitioners is confined to that of being mediators. There is an allegation of giving cheques of Rs. 1,20,000/- to the present petitioners, but the same is denied by the petitioners. It would be evident from paragraphs 48, 52 and 54 of the case diary that as per bank statement of both the petitioners, there appears to be no transaction between the informant and the petitioners. It is further submitted that the dispute, if any, is between the informant and Doma Gadi who had executed the sale deed in favour of the informant in the year 2016 and the present case has been lodged after inordinate delay in the year 2024.

6. Learned APP for the State and learned counsel appearing for the informant, however, very strongly oppose the prayer for anticipatory bail on the ground that the informant has been duped of



her hard earned money by the accused persons including these petitioners who had mediated in the said land deal. Paragraph 55 of the case diary has been pointed out by learned APP for the State to contend that the bank statement of the informant would disclose that an amount of Rs. 1,00,000/- was paid to petitioner Vijay Kumar and Rs. 20,000/- to petitioner Shyam Sunder.

7. Taking the rival contentions into consideration, this Court is of the view that the dispute is essentially civil in nature and also in the light of the judgment passed in the case of ***Bimla Tiwari Vs. State of Bihar & Ors. (Special Leave Petition (CRL.) Nos. 834-835 of 2023)*** wherein it has been held that the process of criminal law cannot be utilized for arm-twisting and money recovery, let the petitioners, above named, having clean antecedent, in the event of their arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Barharia P.S. Case No. 267 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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