

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40025 of 2025

Arising Out of PS. Case No.-1542 Year-2024 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Baibhav Kumar @ Baibhav Agarwal, Son of Late Mohan Narayan Agarwal,
Resident of Village - Mungeriganj Subji Market, Ward No.- 33, P.S.- Nagar,
District - Begusarai

... .. Petitioner

Versus

1. The State of Bihar
 2. Prakash Kumar Agrawal, Son of Sukhdeo Narayan Agrawal, Resident of
Mungeriganj Main Market, Ward No.- 33, P.S.- Nagar, District - Munger
- Opposite Party

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Appearance :

For the Petitioner	:	Mrs. Archana Sinha, Senior Advocate Mr. Ashok Kumar, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the Complainant/O.P. No.2:		Md. Fazle Karim, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-08-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for complainant/O.P. No.2.

2. The accused/petitioner seeks bail in connection

Complaint Case No.1542C of 2024 in which cognizance has

been taken for the offences punishable under Sections 61(2)

and 338 of the Bhartiya Nyaya Sanhita, 2023 (for short
'B.N.S.').

3. The accused/petitioner named in the complaint

and is in custody since 04.05.2025.

4. Allegation against the petitioner is to cheat the



complainant/O.P. No.2 by creating forged document regarding a piece of land, the description of which is available in complaint petition itself.

5. Mrs. Archana Sinha, learned senior counsel while arguing on behalf of the petitioner made a statement at Bar that after knowing the fact and realizing the wrong committed, the petitioner, who sold the disputed land (khata no.15, Khesra no.10) returned the money to purchaser namely, Hasan Asgari. It is submitted that now the disputed sale deed is in possession of the petitioner and the cancellation proceeding for aforesaid sale deed will be taken within four weeks. It is submitted by Mrs. Sinha that her statement be recorded regarding steps for cancellation of sale deed, as submitted.

6. Learned APP duly assisted by Md. Fazle Karim, learned counsel appearing for the complainant/O.P. No.2, while opposing the prayer for of bail agreed to the aforesaid submission as advanced by Mrs. Sinha *qua* cancellation of sale deed.

7. Considering the aforesaid that as parties appears amicably resolved their issues, which is primarily a civil dispute, coupled with the fact that petitioner remains in custody since



04.05.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Begusarai in connection with Complaint Case No.1542C of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’) and with further conditions:-

(i) That the petitioner shall take steps to cancel the sale deed executed in favour of Md. Hasan Asgari, as submitted aforesaid within four weeks of this order, failing which, the learned trial court, upon prayer of State/complainant may cancel the bail bond of the petitioner after giving an opportunity of fair hearing to the petitioner.

(Chandra Shekhar Jha, J.)

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