

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42872 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- SHIVSAGAR District- Rohtas

1.

Chandra Sikha Singh W/o- Jitendra Kumar Singh N-57, Shyamali Colony, Doranda, P.S. and P.S.- Ranchi, Jharkhand
2.

Jeshu Pradhan S/o- Jitendra Kumar Singh Flat No-1, 1st floor, Argora Dibadih Lohardaga Lane, South Side Jeshu Tower Doranda, Ranchi Jharkhand Po Ps- Ranchi, Jharkhand

... .. Petitioner/s

Versus

1.

The State of Bihar
2.

Krishna Kumar S/o- Late Sudama Shah Village- Konar Ps- Shivsagar Dist- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Suraj Samdarshi, Adv.
Mr. Avinash Shekhar, Adv.
Mr. Vijay Shanker Tiwari, Adv.
Ms. Simran Kumari, Adv.
Ms. Abhilasha Jha, Adv.

For the State

:

Mr. Murli Dhar, APP

For the Informant

:

Mr. D.K. Sinha, Sr. Adv.
Mr. Alexander Ashok, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4

28-07-2025

Heard Mr. Suraj Samdarshi, learned counsel for the petitioners, Mr. Murli Dhar, learned APP for the State and Mr. D.K. Sinha, learned senior counsel appearing for the informant assisted by Mr. Alexander Ashok, Advocate.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 406, 420, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.



3. The allegation as per the FIR is that accused no.1, who is the husband of petitioner no.1, has not paid the amount due to the informant despite taking the land from him and upon the said land, the husband of petitioner no.1 has already started construction of a school.

4. Learned counsel for the petitioners, at the outset, submits that the agreement which is the subject matter of the present case is admittedly between the informant and the husband of petitioner no.1 and if at all any violation of terms and conditions of the same is concerned, the same would be confined to the husband of petitioner no.1 and not the present petitioners who have been made accused only by virtue of their being wife and son of accused no.1, respectively. It is further argued that the present case has also been filed after a delay of nine months and only after filing of the FIR by the husband of petitioner no.1 at Ranchi against the present informant, the present FIR has been lodged by the informant. It is next submitted that in the case at Ranchi, the mediation between the parties have taken place according to which a schedule of payment of eleven installments has been agreed upon (Annexure-12) and seven out of eleven installments have already been paid amounting to a total of Rs. 7,07,00,000/-



besides an additional amount of Rs. 41,00,000/- as per the supplementary affidavit.

5. Learned senior counsel appearing on behalf of the informant and learned APP for the State, however, oppose the grant of anticipatory bail on the ground that the entire payment has still not been made.

6. Considering the entire facts and circumstances of the case and also taking into consideration that these petitioners are not the persons who had entered into the agreement and the mediation process is going on, let the petitioners, above named, who have no criminal 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 Shivsagar P.S. Case No. 298 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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