

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47972 of 2025

Arising Out of PS. Case No.-1014 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Shambhu Singh @ Shambhu Sharan Singh S/O Late Amarendra Singh R/O Dhabauli Ward No. 07, Police Station- Saur Bazar, Patarghat O.P., Dist.- Saharsa.
 2. Santosh Kumar Singh @ Santosh Kumar S/O Late Amarendra Singh R/O Dhabauli Ward No. 07, Police Station- Saur Bazar, Patarghat O.P., Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sachendra Yadav S/O Kankir Yadav R/O Golma Tola Pipra, Ward no. 2, P.S.- Saur Bazar, Patarghat O.P., Dist.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Satish Kumar Singh, learned counsel for the petitioners as well as Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Saharsa Complaint Case No. 1014C of 2023, F.I.R. dated 16.08.2023 for the offences punishable under Sections 406, 420 of the IPC.

3. According to prosecution case, the petitioner has taken the consideration amount from the complainant but he neither executed sale deed nor returned the amount to the complainant.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition. He further submits that from a bare perusal of the complaint petition, it appears that the occurrence took place in the year 2002 but the present complaint petition has been instituted in the year 2023 i.e. after the delay of about 21 years. It also appears from the complaint petition that the petitioners have executed the sale deed in favour of the complainant in the year 2002 itself.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent, the present complaint petition has been instituted after delay of about 21 years and as per complaint petition, the petitioners have executed the sale deed in favour of the informant in the year 2002 itself, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 C.J.M., Saharsa in connection with Saharsa Complaint Case No. 1014C of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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