

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56002 of 2025

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

Jitendra Kumar Singh @ Jitendra Singh S/O Late Anutha Singh R/O N-57,
Shyamali Colony, Doranda, P.S.- Doranda , Dist.-Ranchi, Jharkhand

... .. Petitioner.

Versus

1. The State of Bihar
2. Krishna Kumar S/O Late Sudama Shah R/O Vill.- Konar, P.S. Shivsagar,
Dist.- Rohtas

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekhar, Advocate Mr. Vijay Shanker Tiwari, Advocate Ms. Simran Kumari, Advocate Ms. Abhilasha Jha, Advocate
For the O.P. No.2	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr. Alexander Ashok, Advocate
For the State	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 11-08-2025 Heard Mr. Suraj Samdarshi, learned counsel for the petitioner, through virtual hybrid mode, assisted by Mr. Avinash Shekhar, learned Advocate, Mr. Devendra Kumar Sinha, learned senior counsel for the opposite party no.2, assisted by Mr. Alexander Ashok, learned Advocate and Mr. Lalan Kumar, learned APP for the State.

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



3. The allegation in the first information report is that, despite taking the land from the informant, the petitioner, who is accused no.1, has not made the payment and has already started construction of the school.

4. Mr. Suraj Samdarshi, learned counsel for the petitioner, at the very outset, submits that the entire dispute has arisen out of an agreement entered into between the petitioner and the opposite party no.2 and the same relates, at best, of not honouring the terms and conditions of the agreement, which would not constitute a criminal offence. He further submits that an exercise of mediation proceedings has been done by the Jharkhand State Legal Services Authority, whereby the scheme of payment has been decided and seven out of eleven installments has already been paid by the petitioner, amounting to Rs.3.09 crores, out of Rs.5.39 crores, which is stated in para-34 of the present petition. It is pointed out that two co-accused persons have already been granted privilege of anticipatory bail by this Court vide order dated 28.07.2025 passed in Cr. Misc. No.42872 of 2025.

5. Mr. Devendra Kumar Sinha, learned senior counsel appearing for the opposite party no.2, however, points out to clause-4 of the agreement which states that the interest



on the whole amount shall be paid by the petitioner (opposite party no.2 in the mediation proceedings). In response to this, learned counsel for the petitioner raises a difficulty to the same as the petitioner is the third party before the Bank.

6. Taking into account the fact that the dispute is purely civil in nature coupled with the fact that a substantial amount agreed by the petitioner has already been paid to the opposite party no.2 with an undertaking that the rest amount would be paid as per the schedule, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below 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 the learned Court below 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/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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