

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55206 of 2025

Arising Out of PS. Case No.-1813 Year-2024 Thana- PHULWARISHARIF District- Patna

Lavkush Sharma @ Lavkush Kumar Sharma S/o- Arvind Sharma @ Arvind Kumar Village- Gajachak Mahamadpur Ps- Janipur Phulwarisharif Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar S/o- Suresh Prasad R/o- H.NO-159 (A) New Patliputra, Ps- Patliputra Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-12-2025 Heard Mr. Ravi Ranjan Kumar, learned counsel appearing on behalf of the petitioner and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Phulwarisharif (Janipur) P.S. Case No. 1813 of 2024 registered for the offence(s) punishable under Sections 316(2). 318(4) and 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner committed fraud with the informant by not executing sale deed in the name of the informant after taking money from him.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the present case. The petitioner had entered into an agreement of sale on 15.05.2023 with the informant and in respect of the said agreement details has been given in para – 1 of the agreement (Annexure- P/2). However, the O.P. No.2, having not complied with the terms and conditions of the agreement to the effect that he was required to deposit a sum of Rs.50 thousand per month, himself has breached the terms and conditions of the said agreement and to coerce the petitioner the present criminal case has been filed by the O.P. No.2 against the petitioner. In such circumstances no criminal case is made out against the petitioner and the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that the record reveals that altogether 7 criminal cases are pending against the petitioner for similar allegation, though the petitioner has already been released on pre-arrest bail in the said cases. The petitioner being habitual offender don't deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR and the fact that in para-3 of the bail



application details of the 7 criminal cases, which are pending against the petitioner, is given, which are of similar nature, though the petitioner has informed that he has already been released on pre-arrest bail in those cases, I am not inclined to enlarge the petitioner on pre-arrest bail.

7. The petitioner is directed to surrender before the learned District Court concerned and seek regular bail. The learned District Court is directed to pass a necessary order, in accordance with law, on the basis of materials available on record, on the same day, the bail application is filed, without any further delay and without being prejudiced by any observation made by this Court and also taking into consideration of the law laid down by the Apex Court in the case of *Paramjeet Batra v. State of Uttarakhand*, reported in (2013) 11 SCC 673.

8. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

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