

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56374 of 2025

Arising Out of PS. Case No.-347 Year-2023 Thana- DIDARGANJ District- Patna

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Mohan Chand Upadhyay S/o Late Musaddi Upadhyay R/o Village -
Ramnagar, P.O - Ramnagar, P.S - Dokti, District - Balia (U.P) Presently
residing at 402, L.H. Mansion, Yadav Colony, Ankur Public School, P.S -
Khagaul, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parth Gaurav, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under sections 406 and 420 of the
Indian Penal Code.

3 . The prosecution case in brief, is that informant,
namely, Umesh Kumar Singh alleged that all the F.I.R. named
accused persons took Rs. 38,10,000/- as consideration money
from the informant for the sale of a piece of land. It is alleged
that despite taking advance money, they refused to execute the
sale deed or refund the alleged amount.

4. It is submitted on behalf of the petitioners that
petitioner is innocent and has not committed any offence as



alleged. From bare perusal of the F.I.R. it is apparent that the entire alleged amount was paid and collected by co-accused Bharat Patel. Petitioner is not alleged to have received any money from the informant. Moreover, the dispute involved in this case is with regard to sale and purchase of property / land, which is purely civil in nature for which informant has already filed Title Suit under Suit Relief Act bearing T.S. No. 178 of 2024 which is pending before the learned Sub-Judge – 2, Patna City, Patna. Petitioner claims clean antecedent. Similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order dated 10.07.2025 in Cr. Misc. No. 28008 of 2025.

5. Learned counsel for the State opposed the bail petition.

6 Considering the aforesaid facts, clean antecedent of the petitioner and other circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Patna City in connection with Didarganj P.S. Case No. 347 of 2023 subject to the conditions laid down under section 482(2)



of the Bharatiya Nagarik Suraksha Sanhita , 2023 .

(Prabhat Kumar Singh, J)

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