

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61231 of 2025

Arising Out of PS. Case No.-860 Year-2022 Thana- MUFFASIL District- West Champaran

Vijay Kumar Gupta @ Vijay Gupta S/o Late Ramji Sah R/o Village- Ahwar
Sheikh, Phulturwa, P.S.- Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Rai S/o Raghunath Rai R/o Village- Harivatika Pokhra, P.S.-
Bettiah, District- Not given

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Adv. Mrs. Eashita Raj, Adv. Mr. Anuj Kumar, Adv.
For the O.P. No. 2		Mr. Mayank Mohan, Adv.
For the State	:	Md. Matloob Rab, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-11-2025 Heard Mr. Anshul, learned senior counsel for the
petitioner assisted by Mr. Anuj Kumar and learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 406, 420, 467, 468, 471, 504,
120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of
the Arms Act.

3. Allegation in the first information report is that a total
amount of Rs. 19,00,000/- was paid to the petitioner for sale of a
residential house and the remaining amount of Rs. 11,00,000/- was
to be paid at the time of registry but the petitioner neither executed
the sale deed nor returned the money as per the assurance.

4. Learned senior counsel for the petitioner submits that



the present case arises out of a complaint which was subsequently registered as FIR under the provision of Section 156 (3) of the Cr.P.C. The matter relates to an agreement which took place in the year 2016 for which the present complaint case came to be filed in the year 2022. It is further submitted that but for Rs. 5,00,000/-, the transaction of which has been by way of account transfer, there is no substantial proof of payment by way of bank transaction with regard to the rest of the amount. It is further submitted that in any view of the matter, the present case relates to civil dispute involving money transaction for which other remedies were available but the informant has chosen to file a criminal case for the same. The petitioner is in custody since 03.07.2025 and the charge-sheet has been submitted.

5. Learned APP for the State and learned counsel for the informant have opposed the application for bail to the petitioner on the basis of allegations mentioned in the first information report as also on the ground that the petitioner has criminal antecedents of similar nature and he also points out towards an agreement signed by both the parties where the petitioner had agreed to make rest of the payment.

6. Taking into consideration the facts and circumstances and also considering the fact that the matter essential involves a civil dispute arising out of money transaction



for which other civil remedies are available and the forum of criminal courts cannot be used for recovery of money, hence in such view of the matter, let the above named petitioner, be enlarged on bail 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 Muffasil P.S. Case No. 860 of 2022.

7. However, the petitioner is directed to cooperate in the trial for framing of charge and would appear on each and every date, failing which the learned trial court would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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