

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71680 of 2024**

Arising Out of PS. Case No.-462 Year-2016 Thana- PATNA COMPLAINT CASE District-  
Patna

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Shailendra Kumar Son of Sri Chandra Kumar Jha @ Lila Kant Jha Resident  
of F-61, Anand Vihar Colony, Bhoot Nath Road, P.S Agamkuan, District  
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hare Ram Kumar Son of Late Mahabir Singh R/o Mohalla- MIG, Sector-7,  
Block no.6, Flat No.13, Bahadurpur Housing Colony, P.S.- Agamkuan,  
District- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Jha  
For the Opposite Party/s : Mr.Jagdhari Prasad

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

8      25-06-2025                      Heard learned Counsel for the petitioner, learned  
counsel for the O.P. No.2/complainant and learned Additional  
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 406, 420,  
467, 468 of the Indian Penal Code and Section 138 of the N.I.  
Act.

3. The allegation made in the complaint petition is  
that the informant and his wife Kiran Devi were shown a plot of  
land by the accused Shailendra Kumar, the petitioner, for a rate  
of Rs. 8,84,000. The complainant paid the said amount in  
installment and a woman named Manju Thakur, who was



allegedly the owner of the said land, executed the agreement of the sale. Further, when the complainant went to the said land, it was disclosed that the said Manju Thakur had already sold the land to some other person, whereafter the petitioner gave six cheques of Rs. 1 lakh each to the complainant, which got dishonored.

4. The learned counsel for the petitioner submits, at the outset, that the petitioner is only a witness to the sale deed and the same was executed by one Manju Thakur. Further, it has been pointed out that the wife of the complainant Kiran Devi had earlier filed a case for the same cause of action and the money had already been returned. It has been submitted that the petitioner has already returned back the total money of the land registered to the wife of the complainant and the receiving of the signature has been obtained on the sale deed which has been annexed as Annexure-P/3 to the present application. It has further been pointed out that the petitioner had already been granted the privilege of anticipatory bail in the case which was filed by the wife of the present complainant Kiran Devi way back in the year 2016 and the said order and the F.I.R. of Kiran Devi are annexed as Annexure-P/5 and P/4 to the application respectively. Further, submission is that the present complaint



was filed with absolutely same allegations by the present petitioner with the addition of allegations of dishonoring of cheques.

5. Learned counsel for the O.P. No.2 controverts the submissions made on behalf of the petitioner and submit that the present case was filed after the cheques given by the petitioner were dishonored and hence, the O.P. No.2 was duped by the petitioner of an amount of Rs. 8,84,000.

6. Taking into consideration the entire facts and circumstances of the case and also considering the entire transaction basically arises out of a civil dispute and the money transaction and also considering that the sale deed was executed by one Manju Thakur, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Smt. Sunita Kumar, J.M. 1<sup>st</sup> Class, Patna City in connection with Complaint Case No.462 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the



investigation/trial.

(ii) one of the bailors will be a family member/close relative of the petitioner.

(iii) the petitioner would appear before the Investigating Officer of the concerned police station at an interval of every 15 days till the charge-sheet in this case is submitted.

**(Soni Shrivastava, J)**

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