

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66183 of 2024

Arising Out of PS. Case No.-526 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Shiv Kumar Rai @ Sheo Kumar Rai Son of Nagina Ray Resident of Village -
Deoria Jakhua, P.S.- Rivilganj, District – Saran Petitioner/s
Versus

1. The State of Bihar
2. Hemnarayan Singh, S/O late Ramdahin Singh, R/O - Krishnanagar,
Shyamchak, P.S. - Bhagwan Bazar, Dist. Saran Opposite
Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 11-08-2025 Heard learned counsel for the petitioner, learned

counsel for the Opposite Party No. 2 and learned A.P.P. for the

State.

2. The petitioner apprehends his arrest in
connection with Bhagwan Bazar P.S. Case No. 526 of 2018
offences punishable under Sections 420, 469, 467, 468, 471,
120(B) of the I.P.C. and Section 138 of the N.I. Act.

3. The allegation in the F.I.R. is that an amount of
Rs. 9 lakhs had been taken by the petitioner as a consideration
money for executing sale deed to the complainant/informant.
However, subsequently, the deal failed as it transpired that the
land did not belong to the petitioner at all. On demand the
petitioner returned an amount of Rs.5,60,000/- (Rs. Five lakhs
sixty thousand) through different cheques but the same were not

honoured.

4. It has been submitted by the petitioner that the present case arises out of a civil dispute but this Court finds that the land in question does not belong to the petitioner at all. The petitioner, however, intends to return the amount in question to the complainant/informant and it is only on account of his poor financial condition that he has not been able to do so till date. The matter had earlier been sent to the Mediation Center also but the process had failed. Today it has been submitted that out of total amount of Rs. 9 lakhs, the petitioner has already paid an amount of Rs. 3,40,000/- (Rs. Three lakhs forty thousand) and an amount of Rs. 5,60,000/- (Rs. Five lakhs sixty thousand) remains outstanding, which he offers to pay within a period of three months.

5. In such view of the matter, I am inclined to grant the privilege of **Provisional Bail** to the petitioner on the first installment of Rs. 1.5 lakhs within four weeks' time would be paid by the petitioner before furnishing of the bail bonds and the learned Court below before accepting the bail bonds, would satisfy itself of the fact that an amount of Rs. 1.5 lakhs has already been paid to the Opposite Party No. 2. Thereafter, the

rest of the amount i.e. Rs. 4,50,000/- (Rs. Four lakhs fifty thousand) would be paid in equal installments within a further period of two months. The learned Court below shall confirm the **Provisional Bail** granted to the petitioner upon payment of the entire amount. However, in case the entire amount is not paid within the stipulated period, the **Provisional Bail** granted to the petitioner shall stand vacated.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be enlarged on **Provisional 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 A.C.J.M., Saran, Chapra in connection with Bhagwan Bazar P.S. Case No. 526 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023.

7. The application stands disposed of with the above observation.

(Soni Shrivastava, J.)

Jyoti Kumari/-

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