

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66725 of 2025**

Arising Out of PS. Case No.-270 Year-2025 Thana- BARHARIA District- Siwan

Musafir Shah, S/o- Late Budhan Sah, Resident of village- Nasopur Saraiya,  
P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                                                                                                                                                   |
|--------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Prabhakar Singh, Advocate<br>Mr. Birottam Narayan Singh, Advocate<br>Ms. Ritika Kumari, Advocate<br>Mr. Sumit Kumar, Advocate<br>Mr. Pranav Bhaskar, Advocate |
| For the State      | : | Mr. Anand Kishore Choudhary, APP                                                                                                                                  |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      25-09-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Barharia P.S. Case No.270 of 2025, dated- 26.05.2025, registered for the offences punishable under Sections 316(2), 318(4), 352, 351(2) of the B.N.S., 2023 and Section 138 of the N.I. Act.

3. As per allegation, the Informant has given Rs.9,70,000/- to the sole accused, who is the Petitioner herein towards consideration amount for sale of his land, but the Petitioner did not execute the sale deed, nor has he returned the money. After persistent demand he issued one cheque, and even



the cheque also got dishonoured and when he asked for the money over telephone, he was abused.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the FIR there is no detail of the payment made, nor there is any agreement for sale of the land. Even the mode of payment has not been mentioned in the FIR and whole case is false and fabricated.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, particularly the fact that there is no proof of payment, nor there is any detail of the cheque given in the FIR, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds



in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Barhariya P.S. Case No.270 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J.)**

Chandan/-

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