

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73230 of 2024

Arising Out of PS. Case No.-644 Year-2024 Thana- KADAMKUAN District- Patna

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1. Pragya Daughter of Brajendra Kumar Resident of Pathar Gali, Gardanibagh, P.S. - Gardanibagh, District - Patna
 2. Harsh Kumar Son of Brajendra Kumar Resident of Pathar Gali, Gardanibagh, P.S. - Gardanibagh, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Brij Lal Son of Late R.P. Lal Resident of Arya Kumar Road, Rajendra Nagar, Patna
3. ICICI Prudential Insurance Company Frazer Road Patna,800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Prakash Sahay, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Opposite Party No.2	:	Mr. Rajiv Kr. Singh, Advocate
		Mr. Narendra Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-08-2025 Heard Mr. Aditya Prakash Sahay, learned counsel appearing on behalf of the petitioners; Mr. Jharkhandi Upadhyay, learned APP for the State and Mr. Rajiv Kr. Singh, along with Mr. Narendra Kr. Singh, learned counsels appearing on behalf of the Opposite Party No.2.

Re: Interlocutory Application No.01 of 2025

2. The present interlocutory application has been filed for modification of the order dated 08.10.2024 passed by this Court in which in paragraph no.3 under mistaken impression learned counsel had submitted that the petitioners are ready to



settle the dispute and to show his *bona fide* he submitted that the petitioners will transfer the flats which may be registered in their names in Bangalore and Pune but as a matter of fact, the petitioners don't own any flat in Bangalore and so far as flat in Pune is concerned, one commercial property is registered jointly in the name of the petitioner no.2 and his mother. The father of the petitioners in order to settle the dispute has agreed to make payment of Rs. 3 Cr. to the informant on or before 28.08.2025. As such, the order is modified accordingly.

3. Considering the reasons assigned in the Interlocutory Application and the affidavit I.A. No.01 of 2025 is being heard alongwith Cr. Misc. No.73230 of 2024 for final adjudication.

Re: Cr. Misc. No.73230 of 2024

4. The petitioners have filed the present application for quashing of the FIR bearing Kadamkuan PS Case No.644 of 2024 for offences under Sections 316(2)(5), 318(4), 336(3), 340(2) and 3(5) of the BNS.

5. At the outset, learned counsel appearing on behalf of petitioners informs that father (Brajendra Kumar) of the petitioners namely Pragya (petitioner no.1) and Harsh Kumar (petitioner no.2) has preferred regular bail by filing Cr. Misc.



No.56870 of 2025 and this Court had granted interim protection *vide* order dated 08.08.2025 to him. Learned counsel further submitted that in para-5 of the order dated 08.08.2025, this Court has reproduced para-12, 13 and 14 of the bail petition filed by the accused Brajendra Kumar and in the said bail application he had agreed to return back a sum of Rs. 3 crores, within a period of fifteen days from the date of passing of the order dated 08.08.2025. In that view of the matter, learned counsel seeks that as the father (accused) of the petitioners has owned the liability of the illegal act, the petitioners being innocent must not be dragged to face criminal prosecution.

6. *Per contra*, Mr. Rajiv Kumar Singh, learned counsel appearing on behalf of the informant, Dr. Brij Lal submitted that no doubt that *vide* order dated 08.08.2025 passed in Cr. Misc. No.56870 of 2025, the accused Brajendra Kumar, who is father of the petitioners, has been granted provisional bail, subject to the fulfillment of the conditions, as stipulated in para-5 of the said order. However, para-5 is required to be read subject to the observations made in para-7 that, “*the matter has not been finally settled but the settlement talks are going on and the informant will consider the offer of the petitioner only after a part of the amount is paid to the informant*”. He further



submitted that in absence of any undertaking given by the petitioners, who are also beneficiaries of illegal proceeds, to return the amount back to the informant by 28.08.2025, like the co-accused Brajendra Kumar, the petitioners cannot be allowed the similar benefit.

7. Mr. Jharkhandi Upadhyaya, learned APP appearing on behalf of the State submitted that as the parties have agreed to enter into a compromise, subject to the condition as has been stipulated in para-5 of the order dated 08.08.2025, the petitioners cannot be absolved from the offences under Sections 316(2)(5), 318(4), 336(3), 340(2) and 3(5) of the BNS. The compromise has no binding effect on the petitioners of the present quashing application, filed under section 528 of the BNSS.

8. Having heard the rival submissions made on behalf of the parties and the nature of allegations made against the petitioners, as well as, the fact that the father of the petitioners has agreed to return back the entire amount of Rs.3Cr. to the informant on or before 28.08.2025, subject to the final settlement, for which, provisional bail has been granted *vide* order dated 08.08.2025 to Brajendra Kumar, who is the father of the petitioners and is the main accused and the fraud has been



committed by him, at the same time, it cannot be denied that the petitioners are not the beneficiaries of the illegal proceeds and they can be absolved from the illegal act.

9. I don't find the present application filed under section 528 of the BNSS requires any interference of this Court, in view of the subsequent development which has taken place in Cr. Misc. No.56870 of 2025. However, it is made clear that the oral agreement, which has been entered into between the informant and co-accused Brajendra Kumar, cannot be made binding on the petitioners, unless the entire amount is returned back in terms of the order dated 08.08.2025.

10. The petitioners are aged about 19 years and 22 years and have given reasons in paragraph no.8 of the I.A. No.01 of 2025 for having not put their signature on the agreement and they may also participate in the negotiations.

11. Accordingly, the present quashing petition stands disposed of with a direction not to take any coercive action against the petitioners till 28.08.2025 and subject to further negotiations between the parties.

(Purnendu Singh, J)

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