

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71004 of 2025

Arising Out of PS. Case No.-10745 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Vikash Kumar S/O Sri Raj Ballabh Prasad R/O Ilahibagh, Police Station-
Gopalpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/O Late Nagendra Singh R/O Vill.- Chakbairya, P.O.-
Bairiya, Police Station- Gopalpur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha
For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2025 1. Heard learned counsel for the petitioner Mr. Raj
Krishna Jha and learned A.P.P. for the State Mr. Ram Sevak
Choudhary.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420 and
406 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that he entered into an agreement for sale for purchasing
5 kathas 9 dhurs of land on 15.06.2018 with the petitioner for an
amount of Rs.3 lacs per katha, the accused has promised to
execute the sale deed within 8 months and in lieu whereof an



amount of Rs.14,25,000/- was paid, out of which, an amount of Rs.225000/- was paid by advance, but the sale deed was not executed within the time stipulated, hence legal notice was sent on 08.08.2022 but the same was not replied, hence alleges that petitioner cheated the complainant.

4. Learned APP submits that notice is required, on which, learned counsel appearing on behalf of the petitioner submits that notice is not required for the reason that a specific pleading at Para-10 of the anticipatory bail application has been made- *“That for avoiding the litigation the petitioner is ready to return the amount of Rs.14,25,000/- to the complainant in easy 14 installments.”* It is thus submitted that since the petitioner is willing to return the amount as such petitioner be granted the privilege of anticipatory bail. The learned APP based on the submission made by the learned counsel appearing on behalf of the petitioner though does not opposes the anticipatory bail application but then submits that the amount of Rs.14, 25, 000/- was given by the complainant to the petitioner in the year 2018 and in the year 2025 the petitioner is seeking to repay the amount in 14 easy installments, as such it is submitted that duration is long, on which, the learned counsel appearing on behalf of the petitioner submits that he has instruction to make



submission that petitioner will pay the entire amount within a period of 9 (Nine) months i.e. on or before 07.08.2026.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No.10745© of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that petitioner on 10.08.2026 shall file an affidavit before the learned trial court bringing to its notice that an amount of Rs.14,25,000/- has been paid to the complainant. The affidavit shall be substantiated by documentary evidence. In the event, if no affidavit is filed by the petitioner on 10.08.2026, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner but if affidavit substantiated by document is filed by the petitioner on 10.08.2026, in that event, the learned trial court shall issue notice to the complainant for verifying as to whether an amount



of Rs.14,25,000/- has been paid to him or not. In the event, if it is disputed by the complainant, the petitioner will have liberty to approach this Court again but if the complainant agrees that he has received an amount of Rs.14,25,000/-, in that event, provisional anticipatory bail of the petitioner shall be confirmed forthwith.

(Satyavrat Verma, J)

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