

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74276 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- LAUHIYANAGAR District- Begusarai

1. Shailendra Prasad Singh Son of Ramautor Singh Resident of village- Bhairwaar P.S- Lakho District -Begusarai
2. Pushpa Kumari Wife of Shailendra Prasad Singh Resident of village- Bhairwaar P.S- Lakho District -Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepak Kumar son of Garib Chandra Lal Resident of village- Baghi Gandhi Chock, Po- Shuhirdnagar, Ps- Lohiyanagar, Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Sarvottam Kumar, learned counsel for the petitioners and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Lohiyanagar P.S. Case No. 86 of 2025, F.I.R. dated 03.08.2025 for the offences punishable under Sections 318(4), 338, 336(3), 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 16.02.2025, Ayush Kumar contacted Deepak Kumar (informant) regarding a piece of residential land situated in mauza Muradpur, PS



Phulwarishrif, district Patna. The land, identified as thana no. 53, tauzi no. 5272, khata no. 68, SP no. 124, measuring 1 kata 10 dhur, was about to be sold. Ayush Kumar claimed to have an agreement for sale from the owner Shakeel Khan. A deal was struck to sell the land at Rs. 27 lacs per katha, and accordingly, an agreement for Rs. 10,00,000/- (Rs. Ten lakh) was executed on stamp paper. The informant paid Rs. 18,48,180 (Rs. Eighteen lakh forty eight thousand one hundred eighty) to Ayush Kumar through RTGS and cheque, with details mentioned in the F.I.R. When Deepak Kumar demanded the remaining consideration and requested registration of the sale deed, Ayush Kumar provided fake documents and a fake challan obtained through the internet. Based on this fake challan, Ayush Kumar took an additional Rs. 18,48,180 (Rs. Eighteen lakh forty eight thousand one hundred eighty) from him and after this when Deepak Kumar went to the house of Ayush Kumar for seeking return of his money, he was abused and threatened for life by Ayush Kumar.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. From bare perusal of the FIR, it appears that there is no specific allegation against the petitioners



and the petitioners have not taken any money from the informant. Petitioners have been made accused on the ground that petitioner no. 1 is the father and petitioner no. 2 is the mother of the co-accused Ayush Kumar who has allegedly taken the money from the informant. The petitioners are family members of co-accused Ayush Kumar and only with a view to pressurize him, the petitioners have been falsely implicated in this case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent and they are made accused only because they are father and mother of co-accused Ayush Kumar, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Lohiyanagar P.S. Case No. 86/ 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other



following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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