

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81644 of 2024

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

Bhavna Priya @ Bhawana Priya Wife of Brajendra Kumar Resident of
Village- Pathar Road, Kachhi Talab, Saristabad Road, P.S.- Gardanibagh,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 89525 of 2024

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

Brajendra Kumar S/O Late Nayan Ranjan Kumar R/O Mohalla- PathaL Road,
Kacchi Talab, Saristabad Road, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81644 of 2024)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Vijay Shankar Upadhyay, Advocate
Mr. Ranjeet Kr. Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 89525 of 2024)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Vijay Shankar Upadhyay, Advocate
Mr. Ranjeet Kr. Singh, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 02-07-2025 These applications are arising out of the same FIR i.e.,

Kadamkuan P.S. Case No. 644 of 2024. Therefore, they are

being heard together and are being decided by a common order.

2. Heard the learned senior counsel for the petitioners,



learned APP for the State and Mr. Alok Kumar and Mr. Rajeev Kumar Singh, learned senior counsels appearing for the informant.

3. The petitioners seek regular bail in connection with Kadamkuan P.S. Case No. 644 of 2024 registered for the offence under Sections 316(5)(2), 318(4), 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. Earlier in Cr. Misc. No. 73230 of 2024 dated 08.10.2024, the following order was passed:

“Heard learned counsel for the petitioners; learned APP for the State and learned counsel for the opposite party no. 2, who has filed his Vakalatnama.

2. The petitioners are the children of the main accused.

3. Learned counsel for the petitioners submits that they are ready to settle the dispute and to show his bona fide he submits that the petitioners will transfer the flats which may be registered in their names in Bangalore and Pune.

4. List this case under the heading ‘For Admission’ on 28.10.2024, as the first case before the appropriate Bench.

5. On the next date of hearing, the petitioners will produce the documents of the flats and will take steps for transfer of the flats in the name of the opposite party no. 2.



6. Till the next date of hearing, no coercive steps shall be taken against the petitioners in connection with Kadamkuan P.S. Case No. 644 of 2024.

7. Learned counsel for the opposite party no. 2 has submitted that the entire amount can be returned by liquidating the investment of the main accused in ICICI Prudential and the total value of the investment of the main accused in the ICICI Prudential is 7.5 crores.

8. In these circumstances, the petitioners are directed to add the ICICI Prudential Insurance Company, Frazer Road, Patna as opposite party no. 3, during the course of the day and serve a copy upon Mr. Dayanand Singh, learned counsel who regularly appears for the ICICI Prudential.

9. Call for the up-to-date legible photocopy of the case diary in connection with Kadamkuan P.S. Case No. 644 of 2024 from the concerned Court below.

10. Mr. Jharkhandi Upadhyay, learned counsel appearing for the State will get the case diary also.

11. A copy of the brief be handed over the Mr. Jharkhandi Upadhyay, learned APP for the State.”

5. Thereafter, the petitioners of Cr. Misc. No. 73230 of 2024 i.e., Ms. Pragya & Mr. Harsh Kumar and other co-accused did not settle the dispute with the informant and did not



abide by the undertaking given to this Court. Thereafter, in the present case, the matter was got referred to mediation by the petitioners saying that they will settle the dispute. The mediation has failed.

6. In these circumstances, when the entire family of the petitioners are accused of committing fraud with the informant and transferring Rs. 4.5 crore, I am not inclined to grant bail to the petitioners. Accordingly, these applications are dismissed.

7. The petitioner of Cr. Misc. No. 81644 of 2024 namely Bhavna Priya @ Bhawana Priya was granted Provisional Bail vide order dated 24.03.2025 for settling the dispute with the informant. She is directed to surrender before the Court below by tomorrow failing which the Senior Superintendent of Police, Patna will form a Special Team to arrest her.

8. The learned counsel for the informant is permitted to mention the quashing application before an appropriate Bench for early disposal of the quashing application as it appears that petitioners after giving false undertaking are taking the Court for a ride.

9. The Court below is directed to expedite the trial of



the petitioners.

10. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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