

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81793 of 2025

Arising Out of PS. Case No.-204 Year-2025 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Animesh Shrivastav @ Animesh Kumar Shrivastav @ Animesh Kumar
Verma S/o Pramod Srivastav R/o vill - Satbhidava, ward no. 13, P.O. and P.S.-
Majhauriya, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sushil Kumar S/o Shambhu Prasad Gupta R/o vill - Ujjain Tola, P.S. -
Bettiah City, Distt.- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ravi Kumar
For the Opposite Party/s	:	Mr.Lalan Kumar
		Mr. Shyam Kumar Singh
For the Informant	:	Mr. N.A. Shamshi.

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-12-2025 Heard the parties.

2. The petitioner seeks regular bail in connection with
Complaint Case No. 204 of 2025 registered for the offence
under Section 318(4), 316(2), 308(4), 351(3), 115(2) of the
BNS.

3. The petitioner is in custody since 26.07.2025.

4. The petitioner is accused in the present case in
which the father and brothers of the petitioner are witnesses and
the allegation against the petitioner is that the father of the
petitioner had entered into an agreement for sale for a particular
land and an amount of Rs. 66 lakhs has been advanced to the



petitioner and his family and after getting the said amount, the petitioner is not transferring the land and therefore they have cheated the complainant.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case.

6. Learned counsel for the Informant has vehemently opposed the application of the petitioner and he submits that the petitioner may be directed to refund the entire amount and for that purpose, he may be granted provisional bail.

7. Learned APP for the State has also opposed the application of the petitioner.

9. I have considered the submissions of the parties.

10. From the facts of the case, it appears that the present is a case in which the petitioner is on one side and his father and brother are on another side along with the complainant and they are pressurizing the petitioner to part with his land and from the materials available on record, it appears that the petitioner is either not ready to sale the land or he is not getting the share of the money which has been pocketed by his father and brothers. A title suit has also been filed by the complainant for the same occurrence and in the opinion of this



Court, criminal proceeding cannot be used for recovery of money. Moreover, in view of the law laid down by the Hon'ble Supreme Court in the case of *Murari Lal Gupta Vs. Gopi Singh reported in (2005) 13 SCC 699* in which it has been held by the Hon'ble Supreme Court that if one of the party resiles from the agreement then no criminal case is made out.

11. In view of the aforesaid discussions, this application is allowed.

12. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Bettiah, West Champaran/concerned Court below in connection with Complaint Case No. 204 of 2025.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

