

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87453 of 2024

Arising Out of PS. Case No.-606 Year-2024 Thana- GAYA MUFASIL District- Gaya

Satya Prakash @ Satya Prakash Pandey @ Bittu S/o Girish Pandey Resident
of mohalla- Lakhibagh Gaurakshni, bus stand, P.s.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Adv
	:	Mr. Anunay Shahi, Adv
	:	Mr. Nitish Kumar, Adv
For the Opposite Party/s	:	Md. Fahimuddin, APP
For the O.P. No. 2	:	Mr. Sanjeev Ranjan, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 22-07-2025 Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of the

State.

2. The petitioner seeks bail in connection with

Gaya Muffasil P.S. Case No. 606 of 2024 registered for the

offences under Sections 316(2) & 318(4) of the B.N.S. 2023.

3. The petitioner is named in the F.I.R. and is in

custody since 04.09.2024.

4. The allegation against the petitioner is to cheat

informant for the sum of Rs 24,45,000/- while dealing with

sale of plot.



5. Learned counsel appearing on behalf of the petitioner submitted that nature of dispute as per the FIR is civil dispute for which initiation of criminal proceeding is completely unwarranted and un-ocassioned. It is submitted that informant categorically alleged that petitioner received sum of Rs. 23 lakhs through cheque/RTGS, but no document in this connection appears available on record. It is pointed out that due to business rivalry as petitioner and O.P. No. 2 are both engaged in property dealing work the present criminal prosecution was initiated. It is also pointed out that petitioner found involved in 10 more criminal cases of similar nature, where he is on bail/provisional bail. It is pointed out that if merit of case otherwise convincing merely on the basis of criminal antecedents, bail should not be ordinarily denied to petitioner. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court in the matter of **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**. While concluding the argument it is submitted that petitioner is ready to return Rs. 5,70,000/- in two installments to O.P. No. 2/ what he



received in furtherance of alleged dealing of plot.

6. Learned APP duly assisted by learned counsel for the O.P. No. 2, while opposing the bail of petitioner submitted that petitioner is habitual cheater and like present case, he cheated almost 10 innocent persons. However he conceded that for the present he has no documents regarding payment of Rs. 23 lakhs to the petitioner as alleged through cheque/RTGS. Learned counsel for O.P. No. 2 agreed to receive Rs. 5,70,000/- as offered by petitioner.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as nature of dispute primarily of civil dispute arising out of purchase of land, where petitioner is in custody since 04.09.2024, coupled with the fact as petitioner is ready to return Rs. 5,70,000/- to O.P. No. 2/informant, accordingly, petitioner, above named, is directed to be released on bail in connection with Gaya Mufassil P.S. Case No. 606 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court, subject to



the conditions as mentioned under Section 480(3) of the
BNSS with further conditions:-

- (i). Petitioner is directed to pay informant/O.P. No. 2 sum of Rs. 2 lakhs at the time of furnishing bail bond.
- (ii). It is made clear that remaining amount of Rs. 3,70,000/- be paid to informant/O.P. No. 2 before 30th October, 2025 and upon failure, bail bond of petitioner shall be cancelled by learned Trial Court, itself.

(Chandra Shekhar Jha, J.)

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