

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1711 of 2025

Arising Out of PS. Case No.-846 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Birendra Kumar @ Virendra Kumar S/O Ramanand Prasad Singh R/O Village
- Lakhibag, P.S- Manpur, Distt- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari wife of Suman Kumar Daughter of Rameshwar Pandit
Permanent Resident of Mohalla Bhaisasur, P.S. Bihar District Nalanda,
Biharsharif, At present Naya Tola Ghera, Kumhrar P.S. Agamkuan, District
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
under Sections 420, 406 of the Indian Penal Code and Section
138 of N.I. Act.

3. It is alleged that this petitioner in connivance with other
accused persons received in advance Rs. 22,75,000/- from the
complainant for selling land. When complainant went to the plot
for construction then he came to know that the accused persons
sold the land in question to someone else. Thereafter,
complainant demanded his consideration amount from the



accused persons, and then one Krishna Prasad gave a cheque of Rs. 3 lac, which on presentation got bounced.

4. Learned counsel appearing on behalf of the petitioner submits that for the same occurrence, two complaint cases have been lodged by the complainant i.e. Complaint Case No. 845 of 2023 and Complaint Case No. 846 of 2023(present case). In complaint case No. 845 of 2023, petitioner has already been granted bail by the Court below *vide* order dated 29.07.2024 in A.B.P. No. 1368 of 2024 on the condition that petitioner shall return Rs. 8,12,000/- to the complainant, and in compliance with the same, petitioner has already returned the aforesaid amount to the complainant. It is further submitted that the dispute involved in this case is purely civil in nature.

5. Learned counsels for the State as well as for the opposite party no. 2 opposed the prayer for bail.

6. Having considered the aforesaid facts and circumstances of the case as well as the nature of dispute, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Patna



City, in connection with Complaint Case No. 846 of 2023,
subject to the conditions as laid down under Section 438(2) of
the Cr. P.C.

(Prabhat Kumar Singh, J)

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