

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4788 of 2026

Arising Out of PS. Case No.-710 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Milan Kumar Sah Son of Late Basudev Sah R/o Village - Milki, P.S. - Bihpur, Dist. - Bhagalpur.
 2. Madhu Devi Wife of Milan Kumar Sah R/o Village - Milki, P.S. - Bihpur, Dist. - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anju Kumari D/o Late Basudeo Sah R/o Village - Nilkanth Nagar, Tilkamanjhi Pranwati Line near Choti Railway Line, P.S. - Inshachak, Dist. - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-05-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 403 and 420 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that opposite party no.2, despite receiving registered notice on 18.04.2026, chooses not to appear and contest. It is also submitted that from perusal of the office report dated 06.05.2026, it would manifest that the same records that



opposite party no.2 refused to receive ordinary notice stating that she has already received the notice through post.

4. It is next submitted that the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and is a woman and the complainant alleges that petitioner no.1 is her brother and petitioner no.2 is wife of petitioner no.1. Further, alleges that after her retirement, she opened Milan Medical Hall for her brother after investing Rs.15 Lacs. Further, the petitioner no.1 had falsely given his name with regard to land purchased by the complainant. It is next alleged that the petitioner no.2 received the ATM of the complainant, as on the acknowledgment receipt, it is recorded that petitioner no.2 received the ATM on behalf of the complainant. On enquiry from the bank, it transpired that an amount of Rs.23,70,000/- was withdrawn from her account. Accordingly, she informed the S.S.P., Bhagalpur and also sent three legal notices to the petitioner but then no action was taken, hence complaint petition was filed.

5. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that earlier the relationship in between petitioners and the complainant was cordial but



subsequently when the business picked up, the relationship started deteriorating. It is also submitted that no doubt, petitioner no.2 received the ATM of the complainant but then the ATM was handed over to the complainant who withdrew money and invested in the business but when relationships soured the present false case came to be instituted. It is also submitted that this amply demonstrates that why complainant despite receiving notice chooses not to appear and contest. It is further submitted that if privilege of anticipatory bail is granted, the petitioners will not abscond rather will cooperate in the trial to prove their innocence.

6. Learned A.P.P. opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Complaint Case No.710 of 2023, subject to the conditions



laid down under Section 482(2) of the B.N.S.S.

8. The application stands allowed.

9. However, it is made clear that if the learned trial Court comes to a conclusion that petitioners are being released on anticipatory bail are trying to delay the framing of charge or after framing of charge are trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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