

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7502 of 2026**

Arising Out of PS. Case No.-782 Year-2023 Thana- BHOJPUR COMPLAINT CASE  
District- Bhojpur

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1. Seema Devi W/o- Santosh Kumar Prasad Resident Of Village- Shandhila, P.S.- Muffasil Chausa, District -Buxar, Bihar
  2. Santosh Kumar Prasad S/o- Late Shivmuni Prasad Resident Of Village- Shandhila, P.S.- Muffasil Chausa, District -Buxar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashutosh Kumar Tiwary S/o- Late Ras Bihari Tiwary Resident Of Village- Bishupur, P.S.- Shahpur, District -Bhojpur, Bihar

... .. Opposite Party/s

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**Appearance :**

|                     |   |                                |
|---------------------|---|--------------------------------|
| For the Petitioners | : | Mr. Surendra Kumar Singh, Adv. |
| For the State       | : | Mr. Raj Ballabh Singh, APP     |
| For the OP-2        | : | Mr. Ananya Harsh, Adv.         |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      13-07-2026                      Heard learned counsel for the petitioners, learned  
A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioners apprehend their arrest in a case registered for the offence under Section 420 of the Indian Penal Code and Section 138 of the N.I.Act.

3. Complainant alleged that petitioners induced him to purchase a piece of land on a consideration money of Rs. 10 Lakhs and in lieu thereof, complainant paid Rs. 3,87,000/-, as advance money. Out of aforesaid amount, Rs. 2,00,000/- paid through cash and Rs. 1,87,000/- through bank account. Complainant further alleged that later on, he came to know that



said land does not belong to these petitioners and so, he demanded his money back, whereupon, petitioner no. 1 issued a cheque of Rs. 1,70,000/-, which got bounced due to insufficiency of fund in the bank account of petitioner no. 1 and this, petitioners committed fraud with the complainant.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence. However, without admitting the guilt, learned counsel for the petitioners orally submits that petitioners are ready to pay/refund **Rs. 1,87,000/-** (Rupees One Lakh Eighty Seven Thousand), which was paid online by complainant/opposite party no. 2 in bank account of petitioners.

5. Considering the aforesaid facts of the case, the prayer for bail of the petitioners is allowed. In the event of arrest/surrender within a period of eight weeks from today, let the petitioners, as named above, be enlarged on **provisional bail** on furnishing bail bonds of **Rs.10,000/-** (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Bhojpur, Ara in connection with Complaint Case No. 782(C) of 2023, subject to the conditions laid down under section 438(2) of the Cr.P.C. / section 482 of the B.N.S.S. as well as on following conditions:-



“(i) At the time of furnishing bail bond, the petitioners shall pay Rs. 50,000/- (Fifty Thousand) through demand draft to the complainant and receipt of the same shall be furnished along with bail-bonds.

(ii) Rest amount i.e. Rs. 1,37,000/- (One Lakh Thirty Seven Thousand) shall be refunded through demand draft in four installments within a period of six months from the date of furnishing bail-bonds.

(iii) If the petitioners comply with the conditions, the court below shall confirm the provisional bail, otherwise court below shall be at liberty to cancel the bail bonds of these petitioners.”

6. It is made clear that without going into the merit of the case, aforesaid order has been passed only for the purpose of grant of bail.

**(Prabhat Kumar Singh, J)**

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