

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17808 of 2025

Arising Out of PS. Case No.-233 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

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Narayan Kumar Mallick @ Narayan Mallick Son of Raghuveer Mallick
Resident of Lohiya Nagar, P.S.- Sahayak, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Ashutosh S/O Late Mahendra Prasad Singh, R/V - Shivanagar, P.S.
Maranga, Dist. - Purnia

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate Mr. Abhigyan Kumar, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Suresh Prasad Sah @ Baranwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

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| 6 | 24-02-2026 | <p>1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.</p> <p>2. The petitioner seeks bail in a case registered for the offences punishable under Sections 406, 420, 467, 468, 476 and 120(B) of the Indian Penal Code.</p> <p>3. Learned counsel for the petitioner submits that</p> |
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petitioner has antecedent of eight cases of similar nature and is in custody since 28.10.2024. It is next submitted that the informant alleges that Amarnath Prasad along with Sanjay got a sale deed executed in between the informant and petitioner based on an agreement shown to the informant entered in between petitioner and land owner Deepak with respect to a land on 13.12.2017 for a total consideration of Rs. 9,18,500/- out of which an amount of Rs. 5,00,000/- was paid to the petitioner by cheque and Rs. 3,63,000/- was paid in account of the father of Deepak and the sale deed was to be executed till 30.11.2020, it is next alleged that Deepak executed the sale deed after taking extra amount, thus informant alleges that petitioner who had taken Rs. 5,00,000/- ought to have returned that amount as Deepak while executing the sale deed had taken an extra amount.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that in sum and substance, the allegation is that Deepak while executing the sale deed took an extra amount from the informant, as such, the petitioner ought to have returned the amount of Rs. 5 Lakhs



which he had taken. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that as to what extra amount was taken by Deepak for executing the sale deed. It is also submitted that the dispute is purely civil to which a criminal colour has been given.

5. At this stage, the learned counsel appearing on behalf of the informant submits that if petitioner returns the amount, in that event the informant will withdraw the case against him, on which the learned counsel appearing on behalf of the petitioner submits that informant by instituting the instant FIR is trying to coerce the petitioner into submission so that petitioner parts with fanciful demand of the informant. It is also submitted that if the informant is of the view that an amount of Rs. 5 Lakhs is due to him, in that event the informant ought to have moved before a Court of competent civil jurisdiction for getting the dispute adjudicated where the petitioner would have got a chance to rebut his claim, but then a criminal case has been instituted only to coerce the petitioner into submission.

6. At this stage, the learned counsel appearing on behalf of the informant submits that petitioner has antecedent of eight case and in some other cases, the petitioner had moved



before this Court seeking regular bail, but then the learned Co-ordinate Bench while granting provisional bail to the petitioner had also recorded that petitioner will pay the entire due amount, as such, it is submitted that in this case also, if bail is to be granted, the same yardsticks be followed, on which the learned counsel appearing on behalf of the petitioner submits that the allegation is to be appreciated. It is reiterated and submitted by the learned counsel appearing on behalf of the petitioner that informant does not disclose that as to what extra amount was taken by Deepak to execute the sale deed. It is further submitted that the amount which was agreed for selling the land, on the said amount only the sale deed has been executed by Deepak. It is also submitted that since charges have been framed, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

7. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

8. After hearing the learned counsel for the parties and considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Katihar Muffasil P.S. Case No. 233 of 2022.

9. It is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

10. **Accordingly, the instant bail application is allowed.**

(Satyavrat Verma, J)

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