

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24277 of 2026

Arising Out of PS. Case No.-35 Year-2024 Thana- NAUBATPUR District- Patna

Diwakar Kumar @ Diwakar Sharma son of Late Shiv Kumar Sharma R/o
Village- Goraila P.S. -Naubatpur District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr.Anant Kumar 1, APP
Mr. Arun Kumar Mandal, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 11-05-2026 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 504, 506 and 34 of the IPC.
3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases but then one case was instituted by the informant and the other case relates to Section 498A of the IPC but then the said issue has been resolved and the informant alleges that on 22-3-2019, he along with his brother entered into an agreement for sale for purchasing land measuring 3 acres 2 ½ decimal with Shiv Kumar Sharma and paid an amount of Rs. 25 lakh, further the petitioner being son of Shiv Kumar



Sharma signed as a witness on the agreement for sale, being aware of the fact that the land had already been bequeathed in favour of the petitioner by his grandfather in the year 2014 for which Probate Case No. 50 of 2015 was filed, further the accused persons neither executed the sale deed nor refunded the money.

4. Learned counsel for the petitioner submits that petitioner is not disputing the allegations as alleged in the FIR and is ready to repay the amount of Rs. 25 lakh, but then submits that six months time be granted.

5. Learned counsel appearing on behalf of the informant does not dispute the said submission of the learned counsel appearing on behalf of the petitioner. It is next submitted that the offence is compoundable and if petitioner will return the amount of Rs. 25 lakh, in that event the informant will withdraw both the cases, i.e., the instant case and the Complaint Case No. 9407(c)/2022 registered under section 406 IPC and 138 of NI Act pending in the court of learned Judicial Magistrate, 1st Class, Patna.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Naubatpur P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that if on or before 12-11-2026 the petitioner pays the entire amount of Rs. 25 lakh as agreed before this Court, in that event, the learned trial court shall confirm the provisional anticipatory bail of the petitioner, but if the entire amount of Rs. 25 lakh is not paid on or before 12-11-2026, in that event, the learned trial court shall forthwith cancel the provisional anticipatory bail of the petitioner.

8. At this stage, the learned counsel for the informant also submits that he will WhatsApp the bank account number of the informant on the WhatsApp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the money is credited in the account of the informant.

(Satyavrat Verma, J)

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