

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32236 of 2026

Arising Out of PS. Case No.-1204 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Akhil Kumar Roy Son of Late Bindeshwari Roy R/o Reshan Nagar, P.S.- Zero
Mile, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Subhash Rai Resident Of Village - Dhauni, Ps- Tarapur,
Dist- Mungher, At Present Jyoti Vihar, Ps- Zero Mile, Dist- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-05-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Complaint Case no. 1204/2023 for the offence under sections 406, 420, 323, 504, 34 of the IPC.

3. As per the prosecution story, showing the land which was not there, the petitioner took away Rs. 4,14,000. Later, it came to notice that in similar manner he has cheated a number of persons. Upon pressure to return the amount, the abuse/assault theory is there. This led to the present case.

4. Learned counsel for the petitioner submits that though it was a valid/bonafide transaction, now that the complainant is insisting for the return of the amount, he is ready



to pay but the same be bifurcated/he be allowed to pay it in installments in following manner:

(i) Rs. 1,14,000/- at the time of execution of bail bond;

(ii) Rs. 1,00,000/- by 10.06.2026;

(iii) Rs. 1,00,000/- by 10.07.2026;

(iv) Rs. 1,00,000/- by 14.08.2026.

5. The further submission is that failure to abide by the undertaking, the complainant shall be free to take recourse for the cancellation of the bail bond.

6. Learned APP opposes the prayer submitting that once the payment is being made, he will not oppose the grant of relief to him.

6. Considering aforesaid facts and on the undertaking given by the petitioner as recorded above, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur in connection with Complaint Case no. 1204/2023 subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/ S. Prasad

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