

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35540 of 2026

Arising Out of PS. Case No.-1205 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumar S/o Ram Prakash Choudhary R/o Village - Gauripur, P.S - Bihpu, Dist. - Bhagalpu, at present Jyoti Vihar, P.S. - 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.Pramod Kumar Pandey, APP
For the informant	:	Mr. Subodh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-07-2026 Heard Mr. Amresh Kumar Sinha learned counsel appearing on behalf of the petitioner and Mr. .Pramod Kumar Pandey learned APP for the State and Mr. Subodh Prasad, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1205 / 2023 registered for the offence(s) punishable under Sections 406, 420, 323, 504 and 34 of the Indian Penal Code.

3. As per the allegation made in the complaint petition, the petitioner, who is an agent, has fraudulently took a sum of Rs.3,32,000/- from the complainant.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is ready with a cheque No.061158, amounting to Rs.2,00,000/- (Two Lacs Only) and remaining amount of Rs.1,32,000/- and over and above, an amount of Rs.50,000/- will be handed over to the complainant at the time of furnishing bail bonds.

5. Mr. Subodh Prasad, learned counsel, who has tendered his appearance on behalf of the complainant, while opposing the bail application, submitted that the complainant is also concerned with the money which the petitioner has fraudulently taken from him but at the same time, accepting the aforesaid cheque of Rs.2,00,000/- (Two Lacs Only), submitted that the informant too realizes that no purpose will be served to continue with the criminal prosecution, if the petitioner hands over the remaining amount of Rs.1,32,000/- and over and above Rs.50,000/- by the complainant.

6. The learned counsel appearing on behalf of both the sides jointly informs that matter is likely to be settled soon.

7. *Per contra*, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. The dispute being civil in nature and both the parties have agreed to resolve the dispute in view of law laid



down by the Apex Court in cases of *Paramjeet Batra v. State of Uttarakhand* reported in (2013) 11 SCC 673, and *S. N. Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.* reported in (2025) SCC Online SC 1575.

9. I have perused the allegation made in the FIR, which primarily don't contain criminality. The petitioner has handed over a sum of Rs.2,00,000/- to the complainant's advocate in the Court and petitioner is ready to hand over the remaining amount of Rs.1,20,000/- over and above Rs.50,000/- to the complainant. Considering the aforesaid facts and circumstances of the case, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

10. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court **with condition that petitioner will hand over remaining amount of Rs.1,20,000/- over and above Rs.50,000/- to the complainant at the time of furnishing of bail bond** within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur / Concerned



Court in connection with Complaint Case No. 1205 / 2023, subject to the further conditions as laid down under Section 482(2) of the BNSS.

11. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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