

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35350 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- NEMDARGANJ District- Nawada

Pawan Kumar @ Pawan Yadav, Son of Lakhan Prasad, Resident of Vill-
Pharha, P.S- Nemdarganj, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 02-06-2026 Heard Mr. N.K. Agarwal, learned Senior Advocate for
the petitioner and learned APP for the State through virtual
mode.

2. The petitioner apprehends his arrest in connection
with Nemdarganj P.S. Case No.23 of 2026 registered for the
offences punishable under Sections 316(2) and 318(4) of the
BNS.

3. Based upon the written report filed by the Circle
Officer, Akbarpur, it is alleged that despite the land of the
petitioner having been acquired by the National Highway under
the four-lane project, and after obtaining the compensation
amount of Rs. 9,73,081/- the petitioner executed a sale deed
with respect to the same land in favor of one Rajesh Kumar and
thereby committed fraud upon the State and its authorities.



4. Mr. Agarwal, learned Senior Advocate for the petitioner, submitted that it is not the case as alleged by the prosecution. In fact, the petitioner has not sold the land admeasuring 3.458 decimal to Rajesh Kumar, which was acquired by the National Highway and compensation was paid to him. Rather, the petitioner had purchased 10 decimal of land of the same plot, and out of which the remaining 6.5 decimal of land has been sold to one Rajesh Kumar, son of Naresh Kumar Singh, vide Sale Deed No. 15657 dated 14.11.2023, which was not acquired by the authority. To support the aforesaid contention, Sale Deed No.10205 dated 27.07.2022 has been brought on record, whereby the petitioner had purchased 10 decimal of land. It is the specific contention of the petitioner that, on account of some confusion, the Circle Officer submitted the written report before the concerned SHO, based upon which the present FIR came to be instituted. Both the sale deeds through which the petitioner initially purchased and subsequently sold the land have been placed on record for proper appreciation of the submissions advanced herein.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that, in the case in hand, case diary is required to ascertain the veracity



of the materials collected during the course of investigation. Moreover, the petitioner is carrying three criminal antecedents and, as such, he does not deserve anticipatory bail, is the contention of the learned Advocate for the State.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the sale deeds, especially sale deed dated 27.07.2022, whereby *prima facie* it appears that the petitioner had purchased 10 decimal of land, out of which only 3.458 decimal of land has been acquired by the National Highway, and thereafter the remaining land of 6.5 decimal has been sold to one Rajesh Kumar by Sale Deed No. 15657 dated 14.11.2023, this Court finds substance in the submissions advanced on behalf of the petitioner. Suffice it to observe that mere criminal antecedent of a person cannot be the sole ground to reject the prayer for bail, if there are no other cogent materials collected against him. Accordingly, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Nawada in connection with Nemdarganj P.S. Case No.23 of



2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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