

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36723 of 2026

Arising Out of PS. Case No.-880 Year-2024 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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1. Most. Kamla Devi, W/o Late Mathura Prasad Patwa
 2. Saurav Kumar @ Saurabh Kumar, S/o Late Mathura Prasad Patwa
Both are resident of Mohalla-Machharhatta, Patna City, P.S.- Khajekalan,
Distt.- Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. Kumar Rohit, S/o Santosh Kumar, R/o Village- Raipura, P.S.- Fatuha, Distt.-
Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anil Kumar Maharaj, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the

complaint and apprehending their arrest in connection with

Complaint Case No.880 of 2024 in which cognizance has

been taken under Sections 318(4) and 352 of the Bhartiya

Nyaya Sanhita, 2023 (in short 'BNS').

3. As per FIR, the petitioners failed to return the

security money of Rs.14,20,000/- to informant, which was

given to the petitioners against a shop located in Patna City,



which was given on rent to the complainant.

4. It is submitted that both the parties are relatives. It is submitted by learned counsel appearing on behalf of petitioners that after paying agreed rent of Rs. 21,000/- per month, the complainant stopped to pay rent and exceeding further, he sub-let the shop to third person without any information and knowledge of the petitioners. It is submitted that the complainant is still in possession of the shop and is not paying agreed rent to the petitioners, which is the only source of her livelihood as the petitioner no. 1 is a widow lady. The rent of premises was not paid for last five years.

5. Arguing further, it is submitted that in view of all such facts, the dispute primarily appears civil in nature for which the present criminal prosecution is completely unoccasioned and unwarranted. Both petitioners are of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact, as the dispute is primarily regarding



recovery of security money out of admitted landlord-tenant relationship, coupled with the fact that both petitioners are of clean antecedent, accordingly, both petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna City in connection with Complaint Case No.880 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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