

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44158 of 2026

Arising Out of PS. Case No.-40 Year-2024 Thana- DARBHANGA District- Darbhanga

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Sanjay jha Son of Ram Shankar Jha Resident of Village- Neuri, Ward No. 18,
P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Madhumala Kumari, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in connection with Town (Kotwali O.P.) P.S. Case No. 40 of
2024 instituted for the offences punishable under Sections 419,
420, 406, 467, 468, 120(B) and 34 of the Indian Penal Code.

3. As per the prosecution case, allegation against the
petitioner is that his wife was residing as a tenant in the house of
the informant and developed cordial relationship and thereafter
induced the informant to pay a sum of Rs. 53,54,000/- towards



purchasing a land, out of which Rs. 11 lakhs was transferred through online banking channels. It has been alleged that the petitioner along with his wife and others have failed to execute the same transaction and later they left the house of the informant and fled.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated solely on account of the fact that he happens to be the husband of the co-accused Anjana Kumari. It has been submitted that the petitioner has no concern either with any transaction or the alleged execution of sale deed. It has further been submitted that co-accused Anjana Kumari, wife of the petitioner, has already been granted bail by a co-ordinate Bench of this Court *vide* order dated 20.02.2025 passed in Cr. Misc. No. 54954 of 2024 on the ground that Rs. 11 lakh due to the informant would be paid with bank interest. It has been submitted that the wife of the petitioner was ready to pay the same and since the amount could not be paid earlier, a modification application being Cr. Misc. No. 31140 of 2026 was filed for extension of time and as per the learned counsel for the petitioner, it has been submitted that a demand draft of Rs. 6 lakh and Rs. 5 lakh respectively has been prepared and the same was handed over to the learned counsel appearing on behalf of



the Opposite Party, in the said case. It has thus been prayed that the petitioner may be granted the liberty of anticipatory bail as the money has already been given back to the informant.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail and has submitted that unless the proof of payment is furnished granting the liberty of anticipatory bail to the petitioner shall not be safe as he happens to be the husband of the main accused Anjana Kumari.

6. Considering the aforesaid facts and circumstances of the case, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Town (Kotwali O.P.) P.S. Case No. 40 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to the following conditions:-

(i) Subject to the verification and confirmation by the informant as to whether the said amount has been received by her. Once the concerned court below is satisfied that the amount of Rs. 11 lakh, as stated by



the learned counsel for the petitioner, has been received by the informant, only then the bail bonds of the petitioner shall be accepted;

(ii) one of the bailors will be a close relative of the petitioner and the other shall be a local resident;

(ii) the petitioner will remain physically present on each and every date fixed by the Court below, if so required by the learned Trial Court and shall cooperate in the investigation;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) If the petitioner, in future, is found to be involved in similar nature of offence, the prosecution shall be at liberty to move for cancellation of his bail bonds.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The petition stands disposed of accordingly.

(Sourendra Pandey, J)

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