

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43272 of 2025

Arising Out of PS. Case No.-1535 Year-2022 Thana- NAWADA District- Nawada

Swarajya Kumar S/O Late Dev Sharan Prasad R/O- New Area, Nawada, P.S-
Nagar, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar S/O Late Ranjit Singh R/O Village- Ambika Bigha,
Mothak Mahal, Sonsihari, P.S- Muffassil, Distt.- Nawada. Currently residing
at 166 BELLILI OVS Road Kadamtalla, Howrah (West Bengal)- 711101.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 43310 of 2025

Arising Out of PS. Case No.-1512 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

1. Swrajya Kumar S/O Late Dev Sharan Prasad R/O Village- Pakariya, P.S-
Muffasil, District- Nawada.
2. Rahul Kumar S/O Swrajya Kumar R/O Village- Pakariya, P.S- Muffasil,
District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 43272 of 2025)
For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Surendra Kumar
(In CRIMINAL MISCELLANEOUS No. 43310 of 2025)
For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 10-03-2026

Ref:- Cr. Misc. No. 43272 of 2025

Heard the learned counsel for the petitioner and the
learned counsel for the State.



2. The petitioner apprehends arrest in connection with Nawada P.S. Case No. 1535 of 2022 registered for offences under Sections 406, 420 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant purchased 8.75 decimals of land in Mauza Sonsihari, Tola Ambika Bigha (New Khata No. 653, New Plot No. 2561) from Swarajya Kumar, his son Rahul Kumar, and Mithilesh Singh, paying a total of Rs. 25,50,000/- through a sale deed executed on 18.10.2021. Vinay Kumar was the identifier, and Swarajya Kumar and Upendra Kumar were witnesses. The informant also paid Rs. 1,50,000/- as registration expenses. When the informant applied for mutation of the land on 26.10.2021 (Mutation Case No. 4211/21-22), it was found that the land did not exist in the stated plot, and the application was dismissed. The informant then sought repayment of his money. Swarajya Kumar returned Rs. 2,00,000/- and Mithilesh Singh returned Rs. 1,50,000/- to the informant's daughter-in-law's account, but the balance amount of the consideration has not been returned.

4. Considering the nature and the gravity of the offence, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner in the present case.

5. Accordingly, the application for anticipatory bail is



hereby rejected.

6. The petitioner is directed to surrender in the court below within a period of two weeks from today and seek regular bail, if so advised.

7. It is, however, clarified that the observations made herein are limited to the adjudication of the present application and shall not prejudice the case of the petitioner at any subsequent stage of the proceedings.

Ref:- Cr. Misc. No. No. 43310 of 2025

8. Heard the learned counsel for the petitioners and the learned counsel for the State.

9. The petitioners apprehend arrest in connection with Complaint Case No. 1512 of 2022 filed under Section 420/34 of the Indian Penal Code.

10. The allegation against the petitioner, Swaraj Kumar, is that he took a loan of Rs. 23,00,000/- from the complainant and issued a cheque as security in the account of accused Rahul Kumar. Subsequently, he failed to repay the said amount, and the cheque issued was dishonored.

11. Considering the nature and gravity of offence, this court is not inclined to grant the privilege of anticipatory bail to the petitioners in the present case.



12. Accordingly, this application for anticipatory bail is rejected.

13. The petitioners are directed to surrender in the concerned Court below within a period of four weeks from today and seek regular bail, failing which the Superintendent of Police, Nawada will take all steps for the arrest of the petitioners.

14. It is, however, clarified that the observations made herein are limited to the adjudication of the present applications and shall not prejudice the case of the petitioners at any subsequent stage of the proceedings.

15. Let a copy of this order be communicated to the Superintendent of Police, Nawada through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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