

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85902 of 2024

Arising Out of PS. Case No.-865 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

Rajesh Kumar Son of Late Awadhesh Kumar Singh Resident of village-
Nageshwar Bagh , Gaurakshani , Manpur , P.S Mufasssil, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uday kumar S/O- Ramautar Sao, R/O Vill- Puhakala, PS-Paraiya, Dist-Gaya, At present R/O-B 184 G . Block, G.M. Infinite. E. City Township(electricity), Bangaluru. Pin-560100

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50555 of 2025

Arising Out of PS. Case No.-865 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

Anil Kumar S/o Late Hari Kishun Ram R/o Vill- Near Shyam Talkies, Gaya
Nawada Road, P.S.- Muffasil, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uday Kumar S/o Sri Ramautar Sao R/o Vill- Punakala, P.S.- Paraiya, Distt- Gaya presently residing at B.1840 Block GM Infinite E City Township Electricity Bengluru PIN 560100

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85902 of 2024)

For the Petitioner/s : Mr. Vivekanand Singh

For the Opposite Party/s : Dr. Indiwari Kumari

(In CRIMINAL MISCELLANEOUS No. 50555 of 2025)

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

11 25-02-2026 These cases arise out of the same Complaint Case,
i.e., Complaint Case No. 865 of 2023; therefore, they are being



heard together and are being decided by a common order.

2. Heard the learned counsels for the petitioners, learned counsel for the State and the learned counsel for the complainant.

3. On 21.08.2025, the following order was passed by a co-ordinate Bench of this Court which reads as follows:-

“Heard learned counsel for the petitioners as well as the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Suppi P.S. Case No. 219 of 2020, registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code.

3. As per allegation, the complainant contacted the accused persons Rajesh Kumar and Anil Kumar (the petitioners) for Duplex booking. The petitioners were running the project named as Saraswati Vihar at Bodh Gaya. The agreement was entered and the complainant paid Rs. 10 lakhs in the account of Satya Builders but neither the petitioners handed over the premises nor they refunded the money.

4. The learned counsels for the petitioners Rajesh Kumar and Anil Kumar have submitted that the petitioners are innocent and have falsely been implicated in this case. Both the petitioners are 50 per cent partners in the project and they are ready to return their shares



to the complainant in six equal monthly installments.

5. On the other hand, the learned APP for the State and the learned counsel for the informant have opposed the prayer for bail.

6. Both the petitioners Rajesh Kumar and Anil Kumar are directed to pay Rs. 5 lakh each to the complainant in six equal monthly installments.

7. Considering the aforesaid facts and circumstances, there shall be no coercive steps against the petitioners for six months in connection with Complaint Case No. 865 of 2023, pending before the learned J.M. 1st Class, Gaya.

8. List the matter on 16.02.2026 at top.”

3. Today, the learned counsels appearing for both the petitioners have submitted that the petitioners will pay the amount as accepted earlier. However, the learned counsel for the petitioner, Rajesh Kumar, submits that the petitioner wants four months' time to pay the amount, whereas the learned counsel for the petitioner, Anil Kumar, submits that the petitioner wants three months' time to pay the amount.

4. In view of the above, this application is disposed of.

5. The petitioner, Rajesh Kumar, will pay the entire



amount of Rs. 5 lakh within the next four months in equal installments, and upon payment of the first installment, he shall be released on provisional bail by the Court below. If the petitioner, Rajesh Kumar, fails to do so, the Court below shall be at liberty to cancel the bail bonds of the petitioner. If the petitioner pays the entire amount within four months, the provisional bail granted to the petitioner, Rajesh Kumar, shall be confirmed by the Court below.

6. The petitioner, Anil Kumar, will pay the entire amount of Rs. 5 lakh within the next three months in equal installments, and upon payment of the first installment, he shall be released on provisional bail by the Court below. If the petitioner, Anil Kumar, fails to do so, the Court below shall be at liberty to cancel the bail bonds of the petitioner. If the petitioner pays the entire amount within three months, the provisional bail granted to the petitioner, Anil Kumar, shall be confirmed by the Court below.

(Sandeep Kumar, J)

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