

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59587 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- BUDDHACOLONY District- Patna

1. Bimal Kumar S/o Anand Kishor Srivastava R/o Kumar Tower, 1st Floor, Boring Road Crossing, P.S. Buddha Colony, District Patna.
2. Shilpi Shalini @ Smt. Silpi Shalini W/o Bimal Kumar R/o Kumar Tower, 1st Floor, Boring Road Crossing, P.S. Buddha Colony, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Economic offence unit. Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Patanjali Rishi, Advocate
For the Opposite Party/s :	Mr.Arun Kumar Pandey, APP
For the E.O.U. :	Mr. V.N.P. Sinha, Sr. Advocate
	Mr. Vijay Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

13 21-01-2026 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner apprehending his arrest in connection with Buddha Colony P.S. Case No. 462 of 2023 registered for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code, 1860.

3. As per FIR, petitioners who are Director of M/s Anu Anand Construction Private Limited and in same capacity started a project of “Sai Enclave”, failed to provide flats to the informant and others who booked the flat within assured time and, therefore,



the present FIR was lodged with allegation of cheating and other allied criminal offences.

4. It is submitted by Mr. Patanjali Rishi, learned counsel appearing on behalf of the petitioner that due to certain hardship arising out of RERA directions etc., the flat in issue was not constructed in time but it is almost at its fag end and certain issues related with drainage, lift, common area are in process to redress. It is submitted that the dispute is purely civil in nature, for which this criminal implication is completely unoccasioned and unwarranted.

5. Arguing further, it is submitted by Mr. Rishi that the petitioners and several other persons who booked the flat is “Sai Enclave Project” of Patna preferred a Writ Petition before this Court which is pending as C.W.J.C. No. 6154 of 2024, where the Court is periodically monitoring the over all completion progress of the Project to safeguard the interest of the investors and the persons who booked their flat in said project. It is submitted that in view of same, the petitioners deserve anticipatory bail, where the petitioner no. 2 is a lady.

6. Explaining criminal antecedent, it is submitted that almost all persons who booked the flat under Sai Enclave Project i.e. about 60-70 persons, lodged a separate criminal case/FIR



against these petitioners and for said reason only their criminal antecedent is of about 30 but same appears related with same project.

7. Supplementary affidavit filed by the petitioners was taken on record.

8. Learned APP opposed the prayer of bail.

9. Mr. Dhiraj Kumar Singh, learned counsel appearing on behalf of the informant, while opposing the prayer of bail could not disputed the aforesaid factual submission and fairly conceded that these petitioners are also the party of C.W.J.C. No. 6154 of 2024. It is further submitted that still the several works like drainage system, parking area, terrace, silent generator, second lift, doors and windows are to be completed by the builders.

10. In view of aforesaid factual submissions and by taking note of fact as primarily dispute between the parties are civil in nature, where almost the completion of project is at its fag end, coupled with the fact that over all completion progress of the project in issue is separately monitored by one of the learned co-ordinate Bench of this Court through aforementioned civil writ petition, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail



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 Additional Sessions Judge-XVI, Patna/concerned Court, where the case is pending in connection with Buddha Colony P.S. Case No. 462 of 2023 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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