IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61574 of 2026

CNR No. BRHC010802602026

Arising Out of PS. Case No.-6367 Year-2023 Thana- PATNA COMPLAINT CASE District- Patna

==========

Uma Shankar Rai S/o Kapildeo Rai Resident of Musepur Kutulupur, P.S.- Bihta, District- Patna, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Aditya Raj S/o Lallan Prasad R/o Rupaspur Bhatta, P.S.- Rupaspur, Distt.- Patna, at present residing at Lohiya Path, P.s.- Hawai Adda, Distt.- Patna, Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Shadab Akhter, Advocate
Mr. Fahar Imran, Advocate
For the State : Dr. Indiwar Kumari, APP
For the Opposite Party/s : Mr. Indradeo Yadav, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 04-11-2026 Heard learned counsel for the petitioner, learned counsel for the complainant and learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Complaint Case No. 6367 (C) of 2023 instituted for the offence under Sections 420 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the petitioner has executed two agreements for sale deed and it is alleged that the informant has given him rupees five lacs as advance. It is further alleged that the petitioner is neither

WEB COPY

executing the sale deed nor returning the advance taken by him.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that in this case a legal notice was issued by the petitioner in answering to that legal notice. The complainant has admitted that he has given rupees three lacs to the petitioner. It has further been submitted that from the perusal of the complaint itself, it is clear that there was two agreement between the parties. Since there is agreement between the parties, it goes to show that the intention of the parties was not *malafide* at the initial stage. For proving section 420 of IPC, it is necessary the *malafide* intention should be from very beginning. Admitted position is that the petitioner has taken rupees three lacs and has not executed sale deed. Moreover, the petitioner is having no criminal antecedent.

5. Learned APP appearing for the State and learned counsel for the complainant have vehemently opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this

WEB COPY

Court is inclined to enlarge the petitioner on anticipatory bail **with a condition that the petitioner shall pay to the complainant rupees three lacs which is an agreed amount within six months in equal installment.** The petitioner is directed to surrender in the Court below within a period of four weeks and in the event of his arrest or surrender in connection with Complaint Case No. 6367 (C) of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount to the satisfaction of learned Judicial Magistrate First Class, Patna subject to the conditions as laid down under section 482 (2) of the B.N.S.S.

(Ashok Kumar Pandey, J)

Sneha/-

U		T	

WEB COPY