IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67463 of 2026

CNR No. BRHC010935132026

Arising out of PS. Case No.-77 Year-2026 Thana- HABIBPUR District- Bhagalpur

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Arvind Paswan S/o Late Rajendra Paswan R/o Village - Daudwat, P.S. - Habibpur, District - Bhagalpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 05-11-2026 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Habibpur P.S. Case No. 77 of 2026, registered for the offence under Sections 126(2), 115(2), 303(2), 318(4), 338, 336(3), 352, 351(2)(3) and 3(5) of BNS.

3. As per prosecution case, the informant entered into a contract with the co-accused Meena Devi and Akashdeep Kumar for sell of land and the informant paid consideration amount of Rs. 1,17,50,000/- and two sale deeds were executed on

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09.07.2024 and 03.07.2025. The informant has further alleged that the same land was sold by the petitioner and other co-accused persons on 03.08.2007 to one Anil Kumar and the petitioner and other co-accused persons hatched conspiracy and cheated the informant of Rs. 1,17,50,000/- and it is further alleged that when the informant confronted the vendors, they undertook to return the money but returned only Rs. 1,00,000/-. When further amount was demanded, they threatened the informant with false implication.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the contents of the FIR it is clear that that the petitioner and some other co-accused persons put their signatures on the sale deed as witnesses. They have no role apart from that and it is also apparent from the FIR that that the transaction took place between Meena Devi, Akashdeep Kumar and the informant and his three sons. The petitioner did not receive any money in whole transaction so the allegation of conspiracy is not believable. Similarly situated co-accused Ashok Paswan has been granted

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bail by a learned Co-ordinate Bench *vide* order dated 04.11.2026 passed in Cr. Misc. No. 78278 of 2026. Learned counsel further submits that the petitioner is having clean antecedent and he is in custody since 24.06.2026 and charge-sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State as well as learned counsel for the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused persons were witnesses of the sale deed despite having knowledge about execution of earlier sale deed by them and still they conspired to cheat the old aged informant.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is stated to be merely a witness on the sale deed and also considering the period of custody and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only)

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with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bhagalpur/ concerned court, in connection with Habibpur P.S. Case No. 77 of 2026, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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