

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71673 of 2024

In
CRIMINAL MISCELLANEOUS No.12356 of 2023

Arising Out of PS. Case No.-561 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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1. Neel Kamal Verma Wife of Late Shailendra Kumar Verma @ Shailendra Prasad Verma @ Bandhujee R/O Mohalla- Indra Nagar Chhatauni Chowk P.S- Chhatauni, Dist.- East Champaran, Motihari
 2. Amol Kumar @ Binu @ Alok Kumar Son of Late Shailendra Kumar Verma @ Shailendra Prasad Verma @ Bandhujee R/O Mohalla- Indra Nagar Chhatauni Chowk P.S- Chhatauni, Dist.- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pulak Priesh Son of Chandra Kishore Prasad R/O Vil.- Belbana, ward no. 22, P.S.- Nagar, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar, Advocate
For the OP No.2	:	Mr.Shankar Shekhar, Advocate
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 15-04-2026 Heard Mr. Madhurendra Kumar, learned counsel appearing on behalf of the petitioner; Mr. Shankar Shekhar, learned counsel for OP No.2 and Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The present modification application has been filed for confirmation of provisional bail granted to the petitioner, vide order dated 08.09.2023 passed in Cr. Misc. No.12356 of 2023.

3. Mr. Shankar Shekhar, learned counsel appearing on



behalf of O.P. No. 2 informs this Court that the petitioner has allegedly sold government land pertaining to Plot No. 207 and Khata No. 297, measuring a total area of 2 kathas to the informant (OP No.2), which stands recorded as government land in the Government Contiguous Register and for the said reasons, the Circle Officer concerned has refused to mutate the said land.

4. Learned counsel fairly admits that the action of the Circle Officer is in accordance with law and the only remedy available to the petitioner is either to institute appropriate proceedings before the competent civil court for cancellation of the sale deed or to return the entire consideration amount to the informant.

7. Mr. Madhurendra Kumar, learned counsel appearing on behalf of the petitioner informs this Court that vide order dated 08.09.2023 passed in Cr. Misc. No. 12356 of 2023, the petitioner has been granted provisional bail subject to the condition that the petitioner shall return the entire consideration amount to the informant. Learned counsel further submitted that the petitioner has complied with the said condition by depositing the entire amount on 29.04.2025 before the learned District Court, instead of handing over the same directly to O.P. No. 2.



8. Since the said order of granting provisional bail has attained finality, the bar as contemplated under Section 403 of the Bharatiya Nyaya Sanhita may operate in the present case. However, considering the fact that the Petitioner has already deposited the entire consideration amount, which is presently lying before the learned District Court/Judicial Magistrate, 1st Class, Motihari/successor court and the Informant is aware of the same, the Informant may file an application before the learned district court for release of the aforesaid amount in his favour.

9. The learned District Court shall pass appropriate order for release of the deposited amount in favour of O.P. No. 2 to give quietus to the ongoing litigation between the parties in view of the law laid down by the Apex Court in case of ***Paramjeet Batra vs State of Uttarakhand*** reported in (2013) 11 SCC 673 and ***S.N. Vijayalakshmi & Ors. vs The state of Karnataka and Anr.*** reported in 2025 SCC OnLine SC 1575.

10 In view of the aforesaid facts and circumstances of the case, the provisional bail granted to the petitioner vide order dated 08.09.2023 passed in Cr. Misc. No. 12356 of 2023 is hereby made absolute.

11. With the above observation/direction, the present



modification application stands disposed of.

(Purnendu Singh, J)

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