IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77903 of 2026
In
CRIMINAL MISCELLANEOUS No.33955 of 2026

CNR No. BRHC011015942026

Arising Out of PS. Case No.-22 Year-2026 Thana- DANAPUR District- Patna

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Colonel Tarun Alex son of Late Robinson David Alex Resident of House no 65 Fair field colony Ps -Digha District -Patna

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Son of late Sheo Narayan Prasad Resident of village- Flat No. 202, Amrita Apartment, Ara Gaden road, Baiuley Road, ps- Rupaspur, Dist- Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. Punit Kumar, Advocate
For the State : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 30-10-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. This petition has been filed seeking modification of order dated 27.07.2026 passed in Cr. Misc. No. 33955 of 2026, whereby Opposite Party No. 2 herein was provisionally granted anticipatory bail subject to certain conditions, including refund of Rs. 33,00,000/- (Rupees Thirty-three lakh) to the informant in two installments.

3. Learned counsel for the petitioner submits that the

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petitioner, who is informant of Danapur P.S. Case No. 22 of 2026, does not seek refund of the amount paid towards purchase of the flat, rather, his grievance is that despite payment of substantial consideration, the flat has neither been completed nor has possession thereof been handed over to him. It is further submitted that the petitioner has already filed a complaint before the RERA Authority, Patna, bearing Case No. 146 of 2026, seeking possession of the flat and compensation for the delay and mental harassment. Therefore, the direction for refund of the amount, as contained in the order dated 27.07.2026, requires modification.

4. This Court, while provisionally allowing anticipatory bail to the accused person vide order dated 27.07.2026 passed in Cr. Misc. No. 33955 of 2026, had directed him to refund Rs. 20,00,000/- at the time of furnishing bail bonds and the remaining amount of Rs. 13,00,000/- within two months thereafter, on the submission made on his behalf that he was ready to pay the aforesaid amount. The fact that the informant/petitioner herein has subsequently approached the RERA Authority seeking possession of the flat and other consequential reliefs cannot be a ground for substituting the condition imposed in the anticipatory bail order by a direction

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for completion of the flat and delivery of possession. The issues relating to completion of the flat, delivery of possession and compensation are beyond the scope of the present modification petition and are required to be adjudicated by the competent forum in accordance with law. Accordingly, no ground for modification of the order dated 27.07.2026 is made out.

5. Accordingly, this modification petition is dismissed.

(Prabhat Kumar Singh, J)

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