IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75803 of 2026

CNR No. BRHC011058102026

Arising Out of PS. Case No.-851 Year-2025 Thana- RUPASPUR District- Patna

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1. Smt Gita Prasad S/o Hemchandra Prasad R/o Flat no 405, Maharaj Enclave, Bailey Road, Patna, P.S.- Rupaspur, District - Patna, Bihar.
2. Hemchandra Prasad S/o Bhageran Prasad R/o Flat no 405, Maharaj Enclave, Bailey Road, Patna, P.S.- Rupaspur, District - Patna, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raghu Raj Pratap, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2026 Heard Mr. Raghu Raj Pratap, learned counsel for the petitioners and Mr. Chandra Sen Prasad Singh for the State.

2. The petitioners are apprehending their arrest in connection with Rupaspur P.S. Case No. 851 of 2025 for the offence under sections 316(2), 318(4) and 3(5) of the B.N.S. lodged on 29.12.2025 by the informant, Sanjeev Kumar.

3. As per the prosecution story, the informant paid Rs.70,00,000/- for getting a dispute free land. However, later it was found to have been acquired by the BIADA. As no payment made/amount returned, the FIR.

4. Learned counsel for the petitioners submit that he

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always showed his bonafide inasmuch as firstly, he was offered a land similar to what was earlier offered. Subsequently, two cheques of Rs.35,00,000/- issued, which however could not be encashed as later bank account was closed.

5. The submission is that he has shown his bonafide by paying Rs.48,00,000/- through different cheques between 23.03.2026 to 31.08.2026 in the account of Sanjeev Kumar, the informant of the case.

6. The submission is that he is again ready to pay Rs.22,00,000/- though the same be allowed to be paid in installment as paid earlier.

7. Learned APP opposes the prayer submitting that for years, the amount was kept and only recently the payment has been made but as he is ready to pay the rest of the amount, an appropriate order can be passed.

8. Taking into account the submissions of the parties though the offer has come belatedly, in view of the fact that to show his bonafide, Rs.48,00,000/- has been paid as recorded above and is ready to pay the rest of the amount, this Court is inclined to grant relief to the two petitioners subject to terms and conditions as recorded herein below:

(i) Rs.8,00,000/- is to be paid to the informant by way of demand draft issued by the State

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Bank of India at the time of execution of bail bond;

(ii) Rs.5,00,000/- by 15.12.2026;

(iii) Rs. 5,00,000/- by 15.01.2027;

(iv) Rs.4,00,000/- by 15.02.2027;

(v) failure to pay the aforesaid amount in time, the informant shall be free to take steps for cancellation of bail bond;

(vi) this is subject to the confirmation of payment of Rs.48,00,000/- earlier to the informant and if it is found incorrect, the order shall become infructuous.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ADJ IV, Danapur, Patna in connection with Rupaspur P.S. Case No. 851 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date

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before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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