

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73380 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Ajay Kumar, Son of Tarkeshwar Prasad, Resident of Brahmsthan, Naya Tola,
Technical Chowk, PO- HPO Nayatola P.S. -Nayatola, District- Muzaffarpur,
Pin Code-842001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shyamlendra Kumar, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Ms. Madhu Prasun, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 21-01-2026 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Kaji Muhammadpur P.S.
Case no.152 of 2025, registered under section 316(2), 318(4)
and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. As per the prosecution case, the informant states
that inspite of having paid an advance of Rs.5 lacs for purchase
of a flat constructed in the premises/land belonging to the
petitioner, neither the said amount is being returned nor the flat
is being given. As such the F.I.R.
4. Learned counsel for the petitioner submits that
from the contents of the F.I.R. itself it would transpire that the



transaction between the parties is purely a commercial transaction. As against receipt of Rs.5 lacs, the petitioner returned different amounts on different dates which is substantiated from the statement of the bank account of the petitioner brought on record as Annexure-P/2 to the petition. It is further submitted that the petitioner is also ready to return the balance amount. There is an inordinate delay of 9 years in lodging of the F.I.R. and the petitioner is in custody since 20.8.2025. Charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that neither the amount is being returned by the petitioner nor the flat is being given. As such the case.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R., the same revolving around a commercial transaction relating to sale and purchase of a flat built on the petitioner's plot of land together with the petitioner having remained in custody for about 5 months since 20.8.2025 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Kaji



Muhammadpur P.S. Case no.152 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist (East), Muzaffarpur.

(Partha Sarthy, J)

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