

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84526 of 2025

Arising Out of PS. Case No.-246 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

-
-
1. Madan Rai S/o Late Binda Prasad Rai @ Binda Rai
 2. Krishna Rai S/o Late Binda Prasad Rai @ Binda Rai
 3. Smt. Babita Devi @ Babita Devi @ Smt. Bebi Devi W/o Late Ramjatan Rai
 4. Parmeshwar Rai, S/o Bindeshwari Rai
 5. Avinash Kumar @ Avinash Rai S/o Bindeshwari Rai
- All are R/o Village - Gangajal Tola, P.S. - Sonpur, District - Saran

... .. Petitioners

Versus

1. The State of Bihar
2. Abhay Kumar, S/o Late Ramadhar Yadav, R/o Village - Arar More, Ward No. 26, P.S. - Town, District - Gopalganj

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-01-2026 At the outset, it is submitted by learned counsel appearing for petitioners that during pendency of present petition, petitioner no.3, namely, Babita Devi @ Babita Devi @ Smt. Bebi Devi has been arrested and, therefore, her prayer *qua* anticipatory bail has become infructuous.

2. In view of aforesaid submission, the anticipatory bail prayer of petitioner no.3 namely, Babita Devi @ Babita Devi @ Smt. Bebi Devi stands dismissed, as having become infructuous.



3. Now, this petition survives only for petitioner no.1, Madan Rai, petitioner no.2, Krishna Rai, petitioner no.4 Parmeshwar Rai and petitioner no.5 Avinash Kumar @ Avinash Rai.

4. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Gopalganj Town P.S. Case No.246 of 2022 registered under Sections 420, 406, 465, 467, 468, 471, 379, 311, 427, 504 and 120-B of the Indian Penal Code.

5. Allegation against petitioners is to cheat the informant, who is a builder for a piece of land after receiving Rs. 26 lakhs in cash and Rs. 5 lakhs through bank transaction.

6. It is submitted by learned counsel appearing for petitioners that primarily the dispute between the parties appears civil in nature, where due to non-payment of money within agreed time period in terms of agreement, the sale-deed was not executed. It is pointed out that in terms of agreement only Rs.5 lakhs was received by petitioners' side and the allegation that Rs.26 lakhs was paid in cash is completely false without having any supporting material.



While concluding argument, it is submitted that the present criminal prosecution is completely un-occasioned and unwarranted in view of nature of dispute, which is purely civil in nature. All petitioners have claimed clean antecedent.

7. Learned APP opposed the prayer of anticipatory bail.

8. Despite of repeated calls, Mr. Manoj Kumar Sinha, learned counsel appearing for informant failed to join the present proceeding.

9. In view of aforesaid factual submissions and by taking note of fact as dispute primarily appears civil in nature, accordingly, petitioner no.1, Madan Rai, petitioner no.2, Krishna Rai, petitioner no.4 Parmeshwar Rai and petitioner no.5 Avinash Kumar @ Avinash Rai, in the event of their arrest or surrender in the court below within a period of four weeks are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No.246 of 2022, subject to



the conditions as laid down under Section 438(2) of the
CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

