

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84292 of 2025

Arising Out of PS. Case No.-8015 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Kumar S/O Sri Bijendra Singh R/O Village- Madhopur, Police
Station- Didarganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar son of Sri Shashi Kumar Yadav Resident of Village -
Chakaram, Ps- Budha Colony, Po- GPO, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Krishna Jha, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For the Complainant	:	Mr. Suraj Narain Yadav, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the complainant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Complaint Case No. 8015(C) of 2023 instituted for the offence

under Sections 406 & 420 of the Indian Penal Code and Section

138 of the N.I. Act.

3. The prosecution case, in brief, is that the petitioner

entered into an agreement to sell 925 sq. ft. of land to the

complainant for Rs. 38 lakhs, received Rs. 19 lakhs as advance,

and falsely represented that he had clear title and possession



over the land. Despite repeated demands, the petitioner neither measured the land nor executed the sale deed, and it later came to light that the land belonged to the Waqf Board. When asked to refund the amount, the petitioner issued three cheques of Rs. 5 lakhs each which were dishonoured due to insufficient funds, and even after legal notice, he failed to return the money.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.07.2025. Petitioner bears three (3) criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that the dispute relates solely to sale and purchase of land, for which a civil remedy is available, and the criminal case is a clear misuse of process of law. The fresh cognizance order dated 16.08.2025 was passed without any new evidence, amounting to an impermissible review beyond the jurisdiction of the Magistrate. No ingredients of Sections 406 or 420 of the IPC are made out, as there was neither entrustment nor dishonest intention from inception. It is submitted that the cheque was a blank security cheque, allegedly misused despite repayment of the entire amount, and at best the



case falls only under Section 138 of the N.I. Act. It is lastly submitted that the criminal proceedings have been initiated only to harass and pressurize the petitioner.

6. Learned A.P.P. for the State and learned counsel for the complainant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 8015(C) of 2023.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments, preferably within a period of four months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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