

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.604 of 2026

Arising Out of PS. Case No.-109 Year-2025 Thana- KASMA District- Aurangabad

Raj Kumar S/o Mohan Prasad Gupta Resident of - Bus Stand College Road,
Kasma Rafiganj, P.S - Rafiganj, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Kumar Sinha @ S.K Sinha S/o Late Vasudeo Narain Sinha R/o Village - Deokali, P.O - Saravak, P.S - Kasma, District - Aurangabad At present R/o - Plot No. 68, Prashasha Nagar, Road No. 72, Jubilee Hills, P.O - Jubilee Hills, P.S - Jubilee Hills, District - Hyderabad, State - Telangana, Pin - 500033

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Ms. Anjali Kumari, Advocate
		Mr. Gaurav Govind, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Kasma P.S. Case No. 109 of 2025, dated
19.08.2025, registered for the offences punishable under
Sections 338, 336, 318(4) and 3(5) of BNS.

3. As per allegation, co-accused Amar Narayan/
nephew of the informant, Devaj Narayan/ nephew of the
informant and Arun Kishore Narayan/ uncle of the informant
have sold the parcel of land which has come in the share of



informant. This land has been sold by the accused persons in favour of co-accused Raj Kumar, who is petitioner herein for valid consideration.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the alleged facts and circumstances, no case of any forgery or cheating is made out for which F.I.R. has been registered. He further submits that it is disputed fact that the land in question which has been purchased by the petitioner from the agnates of the informant belongs to the informant. Moreover, the sale deed is not a forged document. It is genuine, executed by the co-accused in favour of the petitioner. He further submits that there is also no case of cheating, because the petitioner has nowhere cheated the informant as there is no misrepresentation by the petitioner to the informant, nor is there any transfer of valuable property in pursuance of any misrepresentation. At most it is a case of civil dispute for which the informant has remedy in competent Civil Court.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has two criminal antecedents.

7. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that it is a case of forgery and cheating and petitioner does not deserve any anticipatory bail.

8. I considered the submission advanced by both the parties and perused the material on record.

9. I find that as per the alleged facts and circumstances, no criminal offence is made out against the petitioner and there is neither any forgery nor any cheating to the informant by the petitioner. There is no communication at all between the petitioner and the informant. So there is no question of any misrepresentation, nor is any property given by the informant to the petitioner in pursuance of any misrepresentation.

10. Here, reliance is placed on **Harihar Sah and others Vs. State of Bihar and Another** as reported in **2023 SCC OnLine Pat 9582, MANU/BH/2040/2023** and **AIR OnLine 2023 Pat 929**, which is decided by this Court.

11. Considering the civil nature of the dispute, **this petition is allowed**, directing the petitioner, above-named, to be



enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Kasma P.S. Case No. 109 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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