IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3358 of 2026

Dharmendra Kumar Sharma @ Dhiru, aged about 62 years, S/o Late Jagdish Sharma, resident of Village- Inderwa, P.O.- Jhumri Telaiya, P.S.- Telaiya, District- Koderma, Jharkhand.

… Petitioner

Versus

The State of Jharkhand … Opposite Party

For the Petitioner : Mr. Priyanshu Nilesh, Advocate
Mr. Prakash Kr. Sinha, Advocate
Mr. Rahul Dev, Advocate
Ms. Ragini Ojha, Advocate
Mr. Anshuman, Advocate
Mr. Ayush Parmar, Advocate

For the State : Mr. Rajesh Kumar, Addl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the order dated 12.11.2025 passed by the learned Sessions Judge, Koderma in Criminal Revision No.22 of 2025 arising out of G.R. No.738 of 2008 corresponding to Telaiya P.S. Case No.465 of 2008 whereby and where under the learned court has been pleased to dismiss the Criminal Revision filed for release of the deposited amount being Rs.3,00,000/-.

3. Learned counsel for the petitioner submits that the petitioner has been admitted to regular bail vide order dated 04.08.2009 in B.A. No.739 of

2009 *inter alia* upon depositing Rs.3,00,000/-subject to result of the case. It is next submitted that vide judgment dated 20.03.2023 passed in G.R. Case No.738 of 2008 arising out of Telaiya P.S. Case No.465 of 2008, the petitioner has been acquitted. It is next submitted that thereafter on 28.02.2024, a petition was filed on behalf of the petitioner that since he has been acquitted, so, the amount of Rs.3,00,000/- deposited by him, be released in his favour. The learned Judicial Magistrate erroneously thought that the amount has been deposited as fine and the fine is non-refundable and therefore, he rejected the prayer of the petitioner vide order dated 28.02.2024. Being aggrieved by the said order, the petitioner filed Criminal Revision No.22 of 2025 before the court of learned Sessions Judge, Koderma and the learned Sessions Judge, Koderma vide order dated 12.11.2025 held that since there is no direction by the Hon'ble High Court for release of the said amount, hence, the learned Sessions Judge, Koderma rejected the said Criminal Revision.

4. It is submitted by the learned counsel for the petitioner that from the order dated 04.08.2009 passed in B.A. No.739 of 2009, it is crystal clear that the said bail bond was accepted on showing receipt of Rs.3,00,000/- subject to final decision of the case and the offences involved *inter alia* in the case was punishable under Section 419 and 420 of the Indian Penal Code but the undisputed fact remains that the petitioner has been acquitted of all the charges. Hence, there is no justifiable reason for not releasing the said amount of Rs.3,00,000/- deposited by the petitioner in connection with the

case. It is lastly submitted that the prayer, as prayed for by the petitioner, in the instant Cr.M.P., be allowed.

5. Learned Addl. P. P. appearing for the State opposes the prayer of the petitioner.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that perusal of the order dated 04.08.2009 in B.A. No.739 of 2009 goes to show that upon the petitioner undertaking to deposit Rs.3,00,000/- subject to the result of the case, the said condition was imposed for acceptance of bail bond. So, the plain reading of the said order makes it abundantly clear that Rs.3,00,000/- has been deposited subject to final outcome of the case i.e., in case the petitioner would have been convicted then appropriate order ought to have been passed by the learned trial court regarding the said amount of Rs.3,00,000/- deposited by the petitioner but since indisputably the petitioner has been acquitted, obviously upon the charge not being established, so, the only consequence is that the said amount of Rs.3,00,000/- deposited by the petitioner, is to be returned to the petitioner but both the courts below being the learned trial court in its order dated 28.02.2024 and the learned revisional court vide order dated 12.11.2025 could not properly appreciate the same and thus, have committed grave illegality by rejecting the prayer of the petitioner.

7. Accordingly, the order dated 28.02.2024 passed by the learned trial court as well as the order dated 12.11.2025 passed by the learned revisional court in connection with Criminal Revision No.22 of 2025 arising out of

G.R. No.738 of 2008 corresponding to Telaiya P.S. Case No.465 of 2008, are quashed and set aside.

8. The learned Judicial Magistrate-1st Class, Koderma is directed to ensure that Rs.3,00,000/- deposited by the petitioner in connection Telaiya P.S. Case No.465 of 2008 corresponding to G.R. No.738 of 2008, is refunded to the petitioner forthwith.

9. In the result, this Cr.M.P. stands allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 02nd of November, 2026
AFR/ Animesh
Uploaded on- 03/11/2026