

The Court of District & Additional Sessions Judge-III, Begusarai

A.B.A No. 502 of 2026

Arising out of Town P.S Case No. 346 of 2025

1. Dayanand Chaudhary, S/o-Late Ram Lakhan Chaudhary
R/o-Village-Diha, P.S-Sahebpur Kamal, District-Begusarai
2. Manju Devi @ Anjila Devi, W/o-Vijay Kumar Singh
R/o-Village-Pokharia, Ward No. 39, P.S-Nagar, District-Begusarai

.....Petitioners

Versus

The State of BiharOpp. Party

Present :

- : Sri Sanjay Kumar Roy, Ld. Counsel for the accused/petitioners
- : Sri Dilip Kumar, Ld. Addl. P.P for the State
- : Sri Sanjay Kumar, Ld. Counsel for the informant

16.06.2026

1. The present anticipatory bail application has been filed on behalf of the above named accused persons in connection with **Town P.S Case No. 346 of 2025** for having committed offences punishable under sections **316(2), 318(4) of B.N.S** as they are apprehending their arrest in this case.
2. It is submitted by the Ld. Counsel for the petitioners that the petitioners are *innocent and have not committed any offence and have falsely been implicated in this case and no any other bail petition in connection with this case has either been filed by the petitioners in this court or before the Hon'ble High Court, Patna and the petitioners are having no criminal antecedent. It is further submitted that no any such occurrence has been taken place but the informant of this case filed a false case against the petitioners only with a purpose to make extra pressure. The petitioners are relative of the informant and the husband of the petitioner No. 2 has not received any loan from the informant. It is further submitted that the informant of this case wants to purchase the land from the husband of the petitioner No. 02 and informant paid an advance Rs. 18,25,000/- and an agreement paper is also prepared and the informant was to pay Rs. 3,75,000/- in three months. Thereafter the sale deed is prepared and at the time the informant did not pay the remaining amount and therefore, the husband of the petitioner no. 02 returned Rs. 13,25,000/- to the informant and the informant started demanding the interest from the husband of petitioner no. 02. Lastly a prayer is made to grant anticipatory bail order in favour of the petitioners as they are ready to furnish bail bond as directed by this court and there is no chance of their absconding or tampering with prosecution evidence.*
3. On the other hand, the learned Addl. P.P opposed the prayer of the petitioner and submitted that there is serious accusation of usurping the hard earned money of the informant and the said money

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16/06/26*

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is yet to be recovered, therefore, the petitioners do not deserve anticipatory bail order in their favour.

4. Briefly stated allegation are that in the year 2014, the informant of this case gave a cash amount of Rs. 4,25,000/- on 14.02.2014, Rs. 8,00,000/- on 14.05.2014 and Rs. 6,00,000/- on 16.07.2014 as loan since the petitioners are the relatives of the informant who, needed an amount of Rs. 25,00,000/- to get their both sons admitted in Engineering College. It is further alleged therein that when 9 months lapsed and the petitioners failed to return the money then the petitioners said to the informant that since the land could not be sold, therefore, they are not able to return the money. It is further alleged therein that the informant on 09.04.2017 entered into an agreement to sale of the land of co-accused Vijay Singh and later on found that the land in question was disputed land as there was ongoing dispute between Vijay Singh and his brother. It also alleged therein that on 24.08.2025 when the informant went to the house of Vijay Kumar Singh to demand his money then co-accused Vijay Kumar Singh, his wife, both his sons and brother-in-law abused him and did mar-peat with the informant and his father and Abhinav Kumar took out Rs. 14,000/- from the pocket of the informant and Pranav Kumar snatched gold chain from the neck of the father of the informant and Dayanand Singh snatched Rs. 9,000/- from the pocket of the informant's father.
5. From perusal of the record, it appears that it is admitted position that the informant allegedly handed over a total cash amount of Rs. 18,25,000/- to the petitioners almost eleven years earlier from the date of lodging of a criminal complaint with the police. Moreover, it is the case of the informant that when the petitioners failed to return the said amount then he entered into an agreement to sell for a piece of land with the co-accused namely Vijay Kumar Singh. The informant himself had admitted that the petitioners are his relative, therefore, he advanced the aforesaid amount as a loan for facilitating the admission of both the sons in an Engineering College. There is inordinant and unexplained delay of more than ten years in lodging the instant FIR. Perusal of case diary further shows that both the petitioners in pursuant to notice issued by the I.O under section 35(3) B.N.S.S. joined the investigation and have co-operated in the investigation.
6. It is further pertinent to point out that while dealing with the anticipatory bail plea the court must evaluate the threat or apprehension of arrest vis a vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willing of the accused to cooperate the investigation and conduct of the accused.
7. In this case it is admitted position of the informant that when the petitioners failed to return the money as alleged taken by the petitioners as loan for getting their sons admitted in an Engineering College then the informant entered into an agreement to sell with co-accused Vijay Kumar Singh for purchase of his land on 09.04.2017 and when the said transaction allegedly did not materialized then the informant after more than eight years lodged this instant case. Record further reveals that

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the entire incriminating evidences are documentary in nature and are in possession of the informant of this case. Moreover, the petitioners have joined the investigation as and when directed by the I.O. Further this court is not in agreement with the submission of the Addl. P.P that the money is yet to be recovered since this court is not a recovery court. The petitioners are having clean criminal antecedents and this court is of the view that the custodial interrogation of the petitioners may not be required in this case for the purpose of investigation.

8. In the light of the aforesaid discussion , this court is of the view that the petitioners have made out a case for grant of anticipatory bail order in their favour. Accordingly, the instant anticipatory bail petition is hereby **allowed** and in the event of their arrest or appearance before the learned court, the petitioners shall be admitted on bail subject to furnishing their bail bonds of Rs. 10,000/-with two sureties of like amount each to the satisfaction of the I.O/the learned Court. This order shall be subject to condition as enumerated in Section 482(2) of B.N.S.S.

Dictated

Mukund Kumar
(Mukund Kumar) 16/06/2026.

District & Additional
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Date of Order	16.06.2026
Date of reserving Order	N.A
Uploading Date	06.08.2026
Uploaded by	Bhargendra Kumar