

Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

A.B.P. No. 559/2026

Arising out of Complain Case No. 170 of 2024

U/S 420, 504, 506/34 of IPC

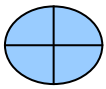
Sushil Hasada @ Sushil Hansda

V/s

State

Date	Order	Remarks
23.04.2026	(1) This anticipatory bail petition filed on behalf of petitioner viz. Sushil Hasada @ Sushil Hansda, aged about 40 years, son of Mogal Hasda, resident of Village-Choti Gadhra, P.O.-Kori Khutana, P.S. Mirzachouki, District-Sahebganj, Jharkhan, who is apprehending his arrest in connection with Complain Case No. 170/2024 registered U/S 420, 504 and 506/34 of IPC. (2) Heard Sri Vishal Anand Id. Counsel for petitioner and Sri P.C. Rahi Id. APP for the State. (3) Prosecution's case, as contained in complaint case dated 31-01-2024, filed on behalf of complainant Sumit Kumar Choudhary, in short is that, accused No. 2, Anita Murmu, owns a piece of land measuring about 7.5 decimals (approx. 3 kathas) in Mouza Gokulpur, District Bhagalpur. On 05.08.2023, all the accused persons jointly approached the complainant and agreed to sell the said land for Rs. 12,50,000. The complainant and his brothers agreed to purchase it. A written agreement was prepared on stamp paper at Kahalgaon Registry Office, signed by Sushil Hasda. An advance amount of Rs. 1,00,000 was paid by the complainant via PhonePay in two installments. The accused assured that Anita Murmu would also sign the agreement later. However, she kept delaying and avoided signing. Despite repeated requests, the accused neither completed the sale deed nor returned the money. On 23.12.2023, when the complainant visited the accused's house with witnesses, the accused abused, threatened, and refused to return the money, openly admitting cheating. A legal notice was sent through an advocate, but the accused refused to accept it. Later also, on 30.01.2024, they clearly denied returning the money. Thus, all accused persons, in conspiracy, cheated the complainant of Rs. 1,00,000 by dishonest intention and fraud. (4) Learned counsel for petitioner has submitted that, the petitioner has not filed any regular or anticipatory bail petition has been filed before this court or before the Hon'ble High Court, Patna. Further, he submits that there is 01 criminal antecedent against petitioner vide Complaint Petition No. 1145/2023. Learned counsel for the petitioner submits that the petitioner is innocent and he has committed no offence and the charges leveled against him and he has falsely implicated in this case. Further, he submits that it is apparent from the complaint petition that no agreement was signed between the complainant and the land owner i.e. Anita Murmu so there is no contractual relationship has been established between them. Petitioner is not the land owner and no agreement of sale was signed between the petitioner and complainant pertaining to the said land. There is only allegation of receiving Rs. 1,00,000/- against the petitioner, which petitioner is ready to return back in 8 installments. The petitioner is ready and willing to cooperate with the investigation, furnish sureties, and abide by any	
<u>Contd.</u> 23.04.2026		

D.A.S.J. XVI
23.04.2026



Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

A.B.P. No. 559/2026

Arising out of Complain Case No. 170 of 2024

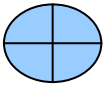
U/S 420, 504, 506/34 of IPC

Sushil Hasada @ Sushil Hansda

V/s

State

<u>Contd.</u> 23.04.2026	conditions imposed by the Court if granted bail. During the course of hearing it is submitted by Id. Counsel for petitioner that today petitioner is ready to pay Rs.20,000/- to the complainant and accused-petitioner undertakes that he will the rest amount of 80,000/- in instalments. Therefore, petitioner may kindly be granted anticipatory bail. (5) On the other hand, Id. APP vehemently opposed the bail of petitioner. However, Id. Counsel for complainant and complainant are also present before the court and they have agreed to receive Rs.20,000/- today and rest amount in instalments. Thereafter, petitioner paid Rs.20,000/- to complainant the receiving of which was made by Id. Counsel for complainant on the margin of order sheet. (6) I have heard both sides and perused the materials available on record. It transpires that, after inquiry, the learned Trial Court has taken cognizance and issued summons against the petitioner for offences under Sections 420, 504, and 506/34 of I.P.C out of which offence punishable U/S 420 is non-bailable in nature. During the course of inquiry, the complainant was examined on solemn affirmation and three inquiry witnesses were also examined, who supported the allegations against the petitioner. The record reveals that there is direct and specific allegation in the complaint petition against the accused petitioner that he in conspiracy with other accused persons lured many innocent persons to part with their hard earned money. (7) In considering an anticipatory bail application the Court must balance the liberty of the individual with the administration of justice. The factors ordinarily considered include the nature and gravity of the accusation, the severity of the punishment, the antecedents of the accused, the possibility of the accused fleeing from justice or tampering with witnesses or evidence, the requirement of custodial interrogation. Where the offences are serious and non-bailable there is no bar to granting anticipatory bail, but the grant must be on appropriate terms and after satisfaction on the above factors. (8) Now when this Court applies the aforesaid settled principles governing anticipatory bail to the facts and materials available on record, it transpires that, the allegation against the petitioner is of cheating to the extent of Rs. 1,00,000/- on the pretext of sale of land. It appears that the dispute has arisen out of a transaction relating to land. The allegation mainly relates to non-performance of agreement and non-refund of advance amount. During the course of hearing, the petitioner has shown his bona fide by paying Rs. 20,000/- to the complainant in Court today, which has been accepted by the complainant and receipt has been recorded. The petitioner has also undertaken to return the remaining amount of Rs. 80,000/- in instalments. The complainant has agreed to receive the same. The offence under Section 420 I.P.C. is non-bailable, but considering the nature of	
<u>Contd.</u> 23.04.2026		



Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

A.B.P. No. 559/2026

Arising out of Complain Case No. 170 of 2024

U/S 420, 504, 506/34 of IPC

Sushil Hasada @ Sushil Hansda

V/s

State

Contd.
23.04.2026

dispute, partial repayment, and willingness of petitioner to repay the entire amount, custodial interrogation does not appear necessary at this stage. The petitioner has one antecedent, but no material has been placed to show misuse of liberty in that case.

(9) In view of the conduct of the petitioner and agreement between the parties, this Court finds it just and proper to grant anticipatory bail on strict conditions to secure repayment and cooperation in the case.

(10) Accordingly, the petitioner is directed to deposit the remaining amount of Rs. 80,000/- in four equal monthly instalments.

- (i) The first instalment shall be deposited before the Id. Trial Court at the time of furnishing bail bond and receipt shall be produced.
- (ii) The remaining three instalments shall be deposited in three successive months thereafter and receipts shall be produced before the Id. Trial Court.
- (iii) In case of default of any instalment, the bail granted to the petitioner shall stand cancelled automatically.

(11) With the aforesaid direction, this anticipatory bail application is allowed. It is ordered that in the event of arrest or surrender before the Id. Trial Court within **four weeks** from the date of receipt/production of this order, the petitioner **Sushil Hasada @ Sushil Hansda** shall be released on **conditional bail** on furnishing bail bond of **Rs. 10,000/-** with two sureties of the like amount each to the satisfaction of the Id. Trial Court subject to the conditions as laid down under Section 438(2) Cr.P.C.

(12) It is further made clear that any remaining dispute amount, if any, shall be subject to final adjudication during trial or appropriate proceedings.

(13) Accordingly, the anticipatory bail petition filed on behalf of the petitioner **Sushil Hasada @ Sushil Hansda, son of Mogal Hasda** is **allowed**.

(14) The observations made herein are only for the purpose of disposal of this anticipatory bail petition and shall not affect the merits of the case during trial.

(15) O.C. is directed to send a copy of this order to the Id. Trial Court at once for needful.

(Dictated)

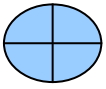
Sd/-

(Sandeep Singh)

D.A.S.J., XVI, Bhagalpur

23.04.2026

Date of Judgment/Order	23.04.2026
Date of reserving Judgment/Order	23.04.2026
Uploading Date	24.04.2026
Uploaded by	Vipin Kumar



Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

A.B.P. No. 559/2026

Arising out of Complain Case No. 170 of 2024

U/S 420, 504, 506/34 of IPC

Sushil Hasada @ Sushil Hansda

V/s

State