

In the Court of Additional Sessions Judge-V, Muzaffarpur

Anticipatory Bail Petition No. 1040/2025

(Arising out of Kudhani P.S. Case No. 222/2023)

In the matter of:

1. Gaurav Kumar s/o- Late Braj Nandan Prasad aged about 46 yrs.
 2. Smt. Reena Ranjan w/o- Gaurav Kumar aged about 37 yrs.
- Both are resident of Village- Chhajan Harishankar, P.S.-Kudhani
District-Muzaffarpur.Petitioners

Versus

State of Bihar

.....Opposite Party

Appearance(s)

Counsel for the Petitioner(s) : Awanish Kumar Tiwari, Advocate.
Satyendra Kumar, Advocate.

Counsel for the State : Sadhusharan Prasad, Advocate.

Counsel for the Informant : Amit Kumar, Advocate.

Present: Suman Kumar Divakar
Bihar Superior Judicial Service

Order

10-04-2026

1. The Petitioners are praying for anticipatory bail in connection with Kudhani P.S. Case No. 222/2023 registered for the offences under section 406, 420 of the Indian Penal Code , 1860 (hereinafter referred to as 'IPC' for short).
2. Briefly stated, The Informant Rudal Prasad Singh had entered into an agreement for sale with the Petitioners on 17-08-2022 for purchasing of the land situated at Turki, Muzaffarpur for consideration amount of Rupees 64,00,000/-. The said amount was paid by the Informant 03-11-2022 which was received by the Petitioners in their bank account. But, they (the Petitioners) failed to make registry of the land which was part of agreement to sale. On these premise, the present FIR stands lodged.
3. Learned Counsel for the Petitioner submits that the present case is basically a civil dispute. The Informant had civil remedy. But ultimately, he submits that compromise had been entered into between the parties. Compromise petition dated 05-01-2026 is already on record. In this backdrop, he prays for anticipatory bail.

4. Learned Addl. Public Prosecutor has opposed the prayer so made on behalf of the petitioners. Learned Counsel for the Informant does not dispute the factum of the compromise.
5. Heard the parties. Considered the submissions. Perused the material on record. It appears from the FIR that the present dispute is purely of civil nature but conflated with criminal prosecution. Another aspect which is reflecting from the record is that the Proceedings under section 82 Criminal Procedure Code, 1973 have been issued against the Petitioners. But the fact remains that the dispute is purely of civil nature and the compromise has been entered into between the parties. Thus, considering these facts being an exceptional circumstances vis-à-vis issuance of proceeding under section 82 Criminal Procedure Code and further, strictly placing reliance on ration laid down by Hon'ble Patna High in the case titled as Mangali Devi and Other Versus State of Bihar (decided on 28-08-2025, Criminal Misc. Number 33213 of 2025), I am inclined to extend the petitioners the privilege of pre-arrest bail. In the result, the present petition stands **allowed**.
6. It is ordered that the Petitioners above named shall be enlarged on bail either in event of arrest or after being surrendered before the court concerned within 15 days from the date of this order on furnishing bail bonds of Rupees 15,000/- of two sureties each subject to satisfaction of the learned court concerned and further, conditions as stipulated under section 438(2) of the Criminal Procedure Code, 1973 (Corresponding to Section 482(2) of Bhartiya Nagrik Surakasha Sanhita , 2023).

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur