

In the court of the 1st Addl. Sessions Judge, Sitamarhi.

Anticipatory Bail Petition No.188/2026

Rishidev Kumar Petitioner.

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O R D E R.

08.04.2026.

1. Heard the learned counsel for the petitioner **Rishidev Kumar**, and the learned A.P.P. for the State. The petitioner seeks the privilege of anticipatory bail in connection with Bairgania P.S. Case No. 147/2022, registered Under Sections 406, 420 of the Indian Penal Code. BNS. Heard learned counsel for the applicants and the learned APP for the State.
2. Prosecution Story:- The prosecution case, as alleged in the written report submitted by the informant Shyamdev Prasad before the Officer-in-Charge, Bairgania Police Station on 14.05.2022, is that the informant and his brothers had negotiated to purchase a piece of land along with a house situated at Mauja– Bel Dumrawana, P.S.– Bairgania, District– Sitamarhi from the sellers Radheshyam Sah and Chulhai Sah. It is alleged that the price of the said land and house was settled at about Rs.1,37,00,000/- in presence of Panchas and substantial amounts were paid to the sellers in advance through cash and bank transactions. It is further alleged that after receiving the advance amount, instead of executing the sale deed in favour of the informant, the sellers in connivance with other accused persons executed the sale deed in favour of other persons, thereby cheating the informant and misappropriating the amount paid by him. It is further alleged that when the informant demanded execution of sale deed or return of money, the accused persons threatened him with dire consequences and refused to honour the agreement, thereby committing offences punishable under Sections 406 and 420 IPC. During the course of investigation, the name of the present applicant surfaced and notice under Section 41 Cr.P.C. was issued to him requiring his appearance before the Investigating Officer for interrogation.
3. Submission on behalf of the Applicant:- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. It is submitted that the applicant was not named in the F.I.R. and his name surfaced during investigation without any credible material. It is further submitted that the dispute between the parties is essentially of civil nature relating to land transaction and family property dispute, and no criminal offence is made out against the applicant. It is also submitted that co-accused persons including the sellers have already been granted bail by the learned court below and the case of the present applicant stands on better footing. Learned counsel further submits that the applicant is a respectable person working as Housing Supervisor and there is no likelihood of his absconding or tampering with the prosecution evidence. The applicant is ready to cooperate with the investigation and comply with any condition imposed by this Court.
4. Submission on behalf of the State:- Learned A.P.P. for the State opposed the prayer for anticipatory bail and submitted that the allegations involve cheating of huge

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amount of money and the applicant has not properly cooperated in the investigation till date.

5. Having considered the rival submissions and materials available on record, it appears that the notice under Section 41 Cr.P.C. was issued to the applicant during investigation. The applicant was not originally named in the F.I.R., and his name surfaced during investigation. The allegations arise out of land transaction dispute, which prima facie indicates a dispute having civil flavour. It further appears that co-accused persons/sellers have already been granted bail by the learned court below. Although it has been alleged that the applicant has not fully cooperated in the investigation, such cooperation can be ensured by imposing suitable conditions.
6. Considering the nature of accusation, facts and circumstances of the case, grant of bail to co-accused persons, issuance of notice under Section 41 Cr.P.C., and without expressing any opinion on the merits of the case, this Court finds it to be a fit case to grant the privilege of anticipatory bail to the applicant with strict conditions. Accordingly, the anticipatory bail application is **allowed**. The Petitioner **Rishidev Kumar** shall be released on anticipatory bail on furnishing bail bond of ₹15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania P.S. Case No. 147/2022, subject to the following conditions: That the applicant shall co-operate in the investigation and shall appear before the Investigating Officer as and when required. That the applicant shall visit the concerned Police Station once in every 10 (ten) days and obtain a certificate of attendance from the Station House Officer, and shall continue to do so till submission of charge-sheet and subject to the conditions as laid down u/s. 482(2) of the B.N.S.S.

(Dictated & corrected)

Sd/-

(Rajiv Kumar),

District & Addl. Sessions Judge I,
Sitamarhi.

Dated:-**08.04.2026**.