

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. _____ OF 2025
(Arising out of SLP(Crl.) No.2672 of 2025)

ANITA MISHRA

APPELLANT

VERSUS

SHIVENDRA KUMAR MISHRA & ORS.

RESPONDENTS

R1 : SHIVENDRA KUMAR MISHRA

R2 : SATYENDRA KUMAR MISHRA

R3 : HARENDRA KUMAR MISHRA

R4 : STATE OF BIHAR

O R D E R

Heard learned counsel for the parties.

2. Leave granted.

3. The appellant-complainant is aggrieved by the impugned order dated 13.11.2024 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No.36181 of 2023, by which the High Court has granted anticipatory bail to respondents no.1 to 3 in a case registered against them under Sections 406, 420 and 120B of the Indian Penal Code, 1860 (for short, the "IPC").

4. Learned counsel for the appellant submits that the appellant, who is the complainant, has given a huge amount of more than

Rs.30,00,000/- (Rupees Thirty Lakhs), partly by cash and partly through cheque, to respondents no.1 to 3 for the purpose of securing a land in Delhi as it was represented that respondents no.1 to 3 are into the business of providing lands to people. It was submitted that when the deal did not materialise, despite request by the appellant to return the money, the same was not given leading to lodging of the FIR. It was further contended that grant of anticipatory bail to respondents no.1 to 3 in such a glaring case where admittedly, through cheque, money has been given and the same has not been returned, needs interference.

5. Learned senior counsel for respondents no.1 to 3 submits that the money was taken by respondents no.1 to 3 to buy jewellery for the daughter of the appellant at the time of her marriage as is the prevailing social custom. It was further contended that even the jewellery was bought in the name of the daughter of the appellant and thus, the amount cannot be said to have been taken for providing any land.

6. We have considered the rival contentions. We take note of what was recorded in our previous order dated 29.10.2025, which reads as under:-

“After detailed arguments, learned counsel for respondents no.1 to 3 submits that respondents no.1 to 3 are ready to return the money which was taken by them, through cheque to the complainant-petitioner.

2. Accordingly, as prayed for, the matter be listed on 11.11.2025 at 02:00 p.m. and the same be treated as part-heard.”

7. Thus, when the Court put a query to learned senior counsel for respondents no.1 to 3 as to why the above order had not been

complied with and the money taken through cheque was not returned to the appellant, again the answer was that respondents no.1 to 3 are ready to do so.

8. We are not inclined to go by empty assurances. As the previous order dated 29.10.2025 passed by this Court has not been complied with and even otherwise, taking a holistic view of the matter, we are convinced that it was not a case for anticipatory bail to have been granted by the High Court to respondents no.1 to 3 in the facts and circumstances of the present case.

9. Accordingly, the impugned order passed by the High Court of Judicature at Patna stands set aside and the anticipatory bail granted to respondents no.1 to 3 stands cancelled.

10. At this stage, learned senior counsel for respondents no.1 to 3 submitted that respondents no.1 to 3 may be permitted to give demand draft of Rs.16,00,000/- (Rupees Sixteen Lakhs) to the appellant and the Court may consider the prayer for regular bail.

11. Having regard to the aforesaid, without giving any specific direction, we only observe that if respondents no.1 to 3 appear before the concerned Court, within four weeks from today and seek regular bail after showing proof of having given Rs.16,00,000/- (Rupees Sixteen Lakhs) through demand draft to the appellant, their prayer for regular bail shall be considered by the concerned Court, in accordance with law, without being prejudiced by the present order.

12. Accordingly, the appeal stands allowed in the aforementioned terms.

13. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[K.V. VISWANATHAN]

NEW DELHI
11th NOVEMBER, 2025

ITEM NO.303

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).2672/2025

[Arising out of impugned final judgment and order dated 13-11-2024 in CRLM No.36181/2023 passed by the High Court of Judicature at Patna]

ANITA MISHRA

Petitioner(s)

VERSUS

SHIVENDRA KUMAR MISHRA & ORS.

Respondent(s)

(IA No. 229275/2025 - DOCUMENT TAKEN ON RECORD
IA No. 34277/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 242998/2025 - EXEMPTION FROM FILING O.T.
IA No. 34279/2025 - EXEMPTION FROM FILING O.T.)

Date : 11-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Prakash Kumar, Adv.
Mr. Maibam Nabaghanashyam Singh, AOR
Ms. Anjali Dhingra, Adv.
Mr. Krishnakanta Singh, Adv.
Mr. Sanjeev Kumar Verma, Adv.

For Respondent(s) Mrs. Anjana Prakash, Sr. Adv.
Mr. Anuj Prakaash, Adv.
Mr. Niraj Dubey, Adv.
Mr. Pradum Kumar, Adv.
Mr. Kumar Mihir, AOR

Mr. Anshul Narayan, Addl. Standing Counsel, Adv.
Mrs. Vineeta Singh, Adv.
Mr. Ashutosh Chaturvedi, Adv.
Mr. Anshuman Harsh, Adv.
Mr. Prem Prakash, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

2. The appeal stands allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(Signed order is placed on the file)

(ANJALI PANWAR)

ASSISTANT REGISTRAR