



SLP(Crl.) No.4073/2025

ITEM NO.46

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.4073/2025

[Arising out of impugned final judgment and order dated 07-02-2025 in CRWJC No. 1523/2023 passed by the High Court of Judicature at Patna]

ALOK KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No. 69649/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 69650/2025 - EXEMPTION FROM FILING O.T., IA No. 183888/2025 - EXEMPTION FROM FILING O.T., IA No. 160991/2025 - EXEMPTION FROM FILING O.T., IA No. 188194/2025 - INTERVENTION APPLICATION, IA No. 159135/2025 - RELEASE OF THE FIXED DEPOSIT)

Date : 12-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Mr. Vikas Singh, Sr. Adv.
Mr. Varun Singh, Adv.
Mr. Nitin Saluja, AOR
Mr. Ytharth Kumar, Adv.
Mr. Mohammad Atif Ahmed, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Sudeep Chandra, Adv.

For Respondent(s) : Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Irshad Khan, Adv.

Mr. Arvind Kumar Sharma, AOR
Mr. S.D.Sanjay, A.S.G.
Mr. Arkaj Kumar, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Diyam Aggarwal, Adv.
Mr. Shubham Prakash Mishra, Adv.

Mr. Kumar Deepraj, Adv.
Mr. Sunil Prakash Sharma, AOR

Mr. Rohit Kumar Singh, AOR
Mr. Punit Kumar, Adv.
Ms. Silki Trehan, Adv.
Mr. Shivam Sharma, Adv.
Mr. Akash Kumar, Adv.

Mr. Shikhar Srivastava, Adv.
Ms. Prerna Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. This petition arises from the order passed by the High Court of Judicature at Patna dated 07.02.2025 in Criminal Writ

Jurisdiction Case No. 1523 of 2023 by which the High Court declined to club all the FIRs registered against the petitioner and the Company in which he is one of the Directors.

2. The Company by name "Agrani Homes" is engaged in the business of Real Estate Development. The Company undertakes construction of residential apartments, Commercial buildings etc.

3. In all 81 FIRs have been registered so far against the petitioner. According to the petitioner, the total liability fastened on him and on the Company, so far as 81 FIRs is concerned comes to around Rs.13,94,00,357/- (Rupees thirteen crore ninety four lakh three hundred fifty seven only). Of course, this figure has been very vehemently disputed by the other side.

4. The first FIR came to be registered against the petitioner on 11.01.2018 with Shastri Nagar Police Station, Patna, Bihar for the offence punishable under Section 420 of the Indian Penal Code, 1860 (for short "the IPC") and Section 138 of the Negotiable Instruments Act, 1881 (for short "the NI Act").

5. This FIR has now culminated in a criminal case, which is

pending in the Court of ACJM-IX, Patna, Sadar Patna, State of Bihar.

6. The petitioner has been in custody since 14-10-2022 and so far he has been enlarged on bail in 10 cases.

7. We also take notice of the fact that the High Court vide order dated 02-08-2023 passed in Writ Petition (C) No. 1150 of 2022 had ordered clubbing of the investigation in all cases registered with the Economic Offences Unit (for short "the EOU"). However, the High Court declined clubbing of the FIRs.

8. In such circumstances, referred to above, the petitioner is here before this Court with the present petition.

9. Our Order dated 20-3-2025 reads as under:-

"1. We heard Mr. Vikas Singh, the learned senior counsel appearing for the petitioner. Prima-facie it appears from the materials on record that there are in all 78 FIRs registered against the petitioner.

2. These FIRs have been registered by home buyers. It appears that the petitioner is a builder/developer. He floated a scheme and is alleged to have collected about Rs.13 crore from different individuals interested in the purchase of the flats. However, the flats were not constructed & the petitioner is alleged to have duped all the home buyers.

3. At this stage, Mr. Singh pointed out that the amount of Rs.13 crore figures only in the FIRs, there could be some more amount that the petitioner might have recovered from the different individuals.

4. The petitioner is in judicial custody past two years. His prayer is two-fold (i) he wants all the FIRs to be clubbed and (ii) secondly, he wants bail.

5. We are inclined to consider both the prayers provided the petitioner agrees to deposit a reasonable amount.
6. In this regard, Mr. Singh prayed for a short adjournment to seek appropriate instructions from his client.
7. List on 01.04.2025."

10. Our subsequent Order dated 01-04-2025 reads thus:-

"1. xxx xxx xxx xxx

2. Today when the matter was taken up for hearing, Mr. Vikas Singh, the learned Senior Counsel appearing for the petitioner submitted that out of Rs.13 Crore, his client has already paid Rs.3.17 Crore to different home buyers. He makes a statement upon instructions that his client is ready and willing to deposit Rs.3 Crore more and over and above, he is offering a property running in the name of her mother valued at Rs.4 Crore by way of security.

3. We are of the view that instead of accepting any immovable property, as a security, the petitioner should deposit an amount of Rs.4 Crore (Four Crore) with the Registry of this Court, within a period of four weeks from today.

4. If the amount of Rs.4 Crore (Four Crore) is deposited with the Registry of this Court, the same shall be invested with a Nationalized Bank in a short term fixed deposit with auto renewal facility. Upon deposit we shall consider the plea for bail and the clubbing of the FIRs.

5. Post it after four weeks."

11. There is no doubt that the petitioner has incurred a huge debt and in the process has also put various home buyers in difficulty.

12. We would like to take a practical view of the matter only

keeping in mind the interest of the home buyers.

13. We want to give one chance to the petitioner to workout the modalities for the purpose of settling the various claims of the home buyers including the various decrees he has suffered at the end of RERA.

14. Keeping the petitioner in jail for an indefinite period of time is not going to serve any good purpose, so far as the interest of the home buyers is concerned.

15. In such circumstances, referred to above, the first thing that we should do is to order clubbing of all the 81 FIRs/Criminal Cases registered against the petitioner.

16. We direct that the very first FIR registered against the petitioner dated 11.01.2018 with the Shastri Nagar Police Station, Patna, Bihar shall be treated as the main FIR. All other First Information Reports shall be treated as statements under Section 161 of the Criminal Procedure Code, 1973 (for short "the CrPC"). We are passing this order in tune with the decision of this Court in the case of "Satinder Singh Bhasin v. State of U.P. and Another" reported in 2023 (14) SCC 805.

17. We clarify that any FIR that may be registered against the

petitioner and the Company in future with respect to delivery of property to home buyers shall also be treated as a Statement under Section 161 of the CrPC.

18. The petitioner has filed two undertakings before this Court

19. We take notice of the fact that one undertaking has been filed by the petitioner namely Alok Kumar, S/o Padam Singh and the second undertaking is filed by the son of the petitioner namely Shashwat.

20. Both the undertakings dated 06.08.2025 read thus:-

"I, Alok Kumar, S/o Padam Singh, Aged 52 years, R/o Yogipur, Chitragupta Nagar, P.S.- Patrakar Nagar, P.O.-Lohianagar, Kankarbagh, Patna- 800020 at presently in Camp District Jail, Phulwarisharif Patna (Bihar)-800014, do hereby solemnly affirm and stated as under:-

1. That I am the Petitioner in the above captioned Petition, and I am conversant with the facts and circumstances of the case and hence competent to file the present Affidavit.

2. That the Petitioner's total liability in all the 81 FIRs amounts to Rs. 13,94,00,357 (Rupees Thirteen Crores Ninety-Four Lakhs Three Hundred Fifty-Seven only).

3. That as per the Order dated 01.04.2025 of this Hon'ble Court, the Petitioner has already deposited Rs. 4,00,00,000/- (Rupees Four.Crores Only) with the Registry.

4. That as per the directions of this Hon'ble Court on 05.08.2025, I hereby undertake to file proof of settlement or settle the balance amount of Rs. 9,94,00,357 (Rupees Nine Crores Ninety-Four Lakhs Three Hundred Fifty-Seven Only) with respect to all 81 FIRs against the Petitioner within 6 months from the date of release, if not already settled prior to filing of the instant Petition.

UNDERTAKING

I, Shashwat, S/o Alok Kumar, Aged 22 years, R/o Yogipur, Chitragupta Nagru:, P.S.- Patrakar Nagar, P.O.-Lohianagar, Kankarbagh, Patna- 800020 at presently in New Delhi, do hereby solemnly affirm and stated as under:-

1. That I am the Pairokar/son of the Petitioner in the above captioned Petition, and I am conversant with the facts and circumstances of the case and hence competent to file the present Affidavit.

2. That the Petitioner's total liability in all the 81 FIRs amounts to Rs. 13,94,00,357 (Rupees Thirteen Crores Ninety-Four Lakhs Three Hundred Fifty-Seven only).

3. That as per the Order dated 01.04.2025 of this Hon'ble Court, the Petitioner has already deposited Rs. 4,00,00,000/- (Rupees Four Crores Only) with the Registry.

4. That as per the directions of this Hon'ble Court on 05.08.2025, the Petitioner has undertaken to file proof of settlement or settle the balance amount of Rs. 9,94,00,357 (Rupees Nine Crores Ninety-Four Lakhs Three Hundred Fifty-Seven Only) with respect to all 81 FIRs against the Petitioner within 6 months from the date of release, if not already settled prior to filing of the instant Petition.

5. That in case the Petitioner fails to file proof of settlement or settle the balance amount bearing Rs.

9,94,00,357 (Rupees Nine Crores Ninety-Four Lakhs Three Hundred Fifty-Seven Only) regarding all 81 FIRs within 6 months from the date of release, I would also be personally bound by the said undertaking given by the Petitioner."

21. The Petitioner has filed one further undertaking dated 11.08.2025 which reads thus:-

"AFFIDAVIT

I, Alok Kumar, S/o Padam Singh, Aged 52 years, R/o Yogipur, Chitragupta Nagar, P.S.- Patrakar Nagar, P.O.- Lohianagar, Kankarbagh, Patna- 800020 at presently in Camp District Jail, Phulwarisharif, Patna, Bihar - 800014, do hereby solemnly affirm and stated as under:-

That I am the Petitioner in the above captioned Petition, and I am conversant with the facts and circumstances of the case and hence competent to file the present Affidavit.

This Affidavit is being filed in compliance of the Order dated 08.08.2025 by this Court, wherein the Petitioner was directed to submit the list of properties in the name of Petitioner and its Companies. There is one (1) property, a residential flat, registered in the name of the Petitioner, there are seven (7) properties registered in the name of Petitioner's company and there are sixty-two (62) properties for which development agreement have been executed in the name of the Petitioner's Company.

A list of property is annexed as ANNEXURE P-1.

That the first FIR was registered against the Petitioner on 11.01.2018 at P.S.: Shashtri Nagar under Section 420 IPC, 1960 and Section 138 NIA, 1881 which is pending in the Court of ACJM IX, Patna Sadar, Patna, Bihar. At present, there are a total of 81 FIRs/Criminal Cases registered against the Petitioner.

The list of 81 FIRs/Criminal Cases registered against the Petitioner is hereby annexed and marked as ANNEXURE P-2.

That the Petitioner agrees that the Petitioner shall take the permission of this Court before selling any property registered in his name or in the name of his company, as mentioned in the list annexed hereto.

22. Today the son of the petitioner namely Shashwat has filed an affidavit providing information as regards the properties registered in the name of the petitioner and various companies. The affidavit along with annexures is ordered to be taken on record.

23. The undertaking dated 11.08.2025 filed by Shashwat, S/o Alok Kumar reads thus:-

"I, Shashwat, S/o Alok Kumar, Aged 22 years, R/o Yogipur, Chitragupta Nagar, P.S.- Patrakar Nagar, P.O.-Lohianagar, Kankarbagh, Patna- 800020 at presently in New Delhi, do hereby solemnly affirm and stated as under:-

1. That I am the Pairokar/son of the Petitioner in the above captioned Petition, and I am conversant with the facts and circumstances of the case and hence competent to file the present Affidavit.

2. This Affidavit is being filed in compliance of the Order dated 08.08.2025 by this Court, wherein the Petitioner was directed to submit the list of properties in the name of Petitioner and its Companies. There is one (1) property, a residential flat, registered in the name of the Petitioner, there are seven (7) properties registered in the name of Petitioner's company and there are sixty-two (62) properties for which development agreement have been executed in the name of the Petitioner's Company.

A list of property is annexed as ANNEXURE P-1.

3. That the first FIR was registered against the Petitioner on 11.01.2018 at P.S.: Shashtri Nagar under Section 420 IPC, 1960 and Section 138 NIA, 1881 which is pending in the Court of ACJM IX, Patna Sadar, Patna, Bihar. At present, there are a total of 81 FIRs/Criminal Cases registered against the Petitioner.

The list of 81 FIRs/Criminal Cases registered against the Petitioner is hereby annexed and marked as ANNEXURE P-2.

4. That the Petitioner agrees that the Petitioner shall take the permission of this Court before selling any property registered in his name or in the name of his company, as mentioned in the list annexed hereto."

24. The list contains the details of the properties owned by the petitioner and the companies and also the various development agreements entered into with third parties.

25. In such circumstances, referred to above, we direct that the petitioner be released on temporary bail for a period of six months to enable him to deposit an amount of Rs.9,94,00,357/- (Rs. Nine crore ninety four lakh three hundred fifty seven only) with the Registry of this Court and also with a view to give him an opportunity to settle the claims with various home buyers.

26. The petitioner is ordered to be released on temporary bail

for a period of six months on furnishing bail bonds of Rs.5,00,000/- (Rupees five lakh only) with one solvent surety of the like amount to the satisfaction of concerned trial court with further conditions as under:-

(i) The petitioner shall surrender his passport, if not yet, with the Registry of this Court within a period of 08 (eight) days from today. At this stage, the learned counsel pointed out that the Passport of the petitioner is with the RERA authorities. If that be so, the RERA shall hand over the passport of the petitioner to the Registry of this Court.

(ii) The petitioner shall mark his presence at the Shastri Nagar Police Station, Patna, Bihar once in a fortnight on every Sunday.

(iii) The petitioner shall not transfer or create any third party rights or interest on any of the immovable properties running in his name including the properties in the name of the Companies without the prior permission of this Court.

(iv) We make it explicitly clear that the deposit of

Rs.9,94,00,357/- (Rupees Nine crore ninety four lakh & three hundred fifty seven only) should not be construed by the petitioner as full and final settlement of all the dues and claims. This amount ultimately has to be distributed amongst all the home buyers.

27. We hope that the petitioner is able to make the most of this indulgence granted by us, keeping in mind only the interest of the home buyers.

28. On the expiry of six months, if the petitioner has not been able to deposit the amount, referred to above, then we may proceed to pass further appropriate order cancelling the bail or putting an end to the temporary bail granted by us.

29. The aforesaid is without prejudice to the rights of RERA to execute the decree in accordance with law.

30. No sooner the petitioner furnishes bail with one solvent surety of the like amount, referred to above, he shall be released on temporary bail forthwith, subject to the aforesaid conditions.

31. We clarify that so far as the ED is concerned, it shall

proceed in its own way, in accordance with law.

32. List this matter before this Bench on 24.02.2026 on the top of the Board alongwith applications for intervention, subject to curing the defects.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

#The original affidavit dt 11.8.2025 handed over in Court on behalf of Alok Kumar is annexed herewith.