**IN THE SUPREME COURT OF INDIA**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. OF 2026**
**(@SLP(CRL.) NO. OF 2026)**
**(@Diary No.54835/2025)**

**MUKESH TIWARI ..... APPELLANT(S)**

**VERSUS**

**STATE OF BIHAR ..... RESPONDENT(S)**

**O R D E R**

**1.** Heard.

**2.** Delay condoned.

**3.** IA No. 102035/2026 seeking intervention/impleadment is allowed.

**4.** Leave granted.

**5.** The father of the appellant who intended to sell his property, has entered into an agreement to sell with the complainant for Rs.28 Lakhs and the complainant is said to have paid Rs.5 Lakhs in advance. The father of the accused/appellant intended to sell the said property in order to meet the expenses for cardiac surgery. The complainant after obtaining sale deed got the information that the said house had already been mortgaged with the SBI and the accused had taken loan for Rs.25 Lakhs from the bank

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Reason:

and had not disclosed this fact and as on 18.11.2019 the amount due to the bank was Rs.38 Lakhs. Hence, the complaint came to be lodged in FIR No.861/2019 registered for the offences punishable under Sections 419, 420, 467, 468, 469 and 471 of the Indian Penal Code, 1860 (IPC) against appellant and others. Hence, apprehending the arrest, application for grant of anticipatory bail has been filed, which came to be rejected by the trial court and the High Court. Hence this appeal.

**6.** Having regard to the fact that the nature of the transaction relates to sale of immovable property and prosecution will have to establish the essential elements of *mens rea* of cheating by the accused persons at the time of entering into the agreement by tendering appropriate evidence, we are of the considered view that the appellant is entitled for grant of anticipatory bail.

**7.** Hence, the appeal is allowed. Impugned order is set aside. Appellant is ordered to be released on anticipatory bail by the jurisdictional Investigating Officer (IO) on such terms as he deems fit and subject to appellant cooperating with the investigation.

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

**.....J.**
**(ARAVIND KUMAR)**

**.....J.**
**(VIPUL M. PANCHOLI)**

**New Delhi;**
**November 04, 2026.**

**ITEM NO.6 COURT NO.10 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**

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 54835/2025**

**[Arising out of impugned final judgment and order dated 18-07-2022 in CRLM No. 63986/2021 passed by the High Court of Judicature at Patna]**

**MUKESH TIWARI Petitioner(s)**

**VERSUS**

**STATE OF BIHAR Respondent(s)**

**IA No. 268760/2025 - CONDONATION OF DELAY IN FILING**
**IA No. 268761/2025 - EXEMPTION FROM FILING O.T.**
**IA No. 102035/2026 - INTERVENTION/IMPLEADMENT**

**Date : 04-11-2026 This matter was called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR**
**HON'BLE MR. JUSTICE VIPUL M. PANCHOLI**

**For Petitioner(s) :Mr. Sanjeev Kumar Choudhary, Adv.**
**Mrs. Shradha Choudhary, Adv.**
**Mr. Surjeet Singh, Adv.**
**Mr. Seshatalpa Sai Bandaru- 2018, AOR**

**For Respondent(s) :Mr. Keshav Ranjan, AAG-II**
**Mr. Nishant Verma, AOR**
**Ms. Smriti Churiwal, Adv.**
**Mr. Utkarsh Raj, Adv.**

**Mr. Samir Ali Khan- 1657, AOR**

**UPON hearing the counsel the Court made the following**

**O R D E R**

**Delay condoned.**

**Leave granted.**

**The appeal is allowed in terms of the Signed Order which is placed on the file.**

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

**(RASHI GUPTA)**
**AR-CUM-PS**

**(AVGV RAMU)**
**COURT MASTER (NSH)**