

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41626 of 2015

Arising Out of PS.Case No. -530 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Prakash Sah son of Late Ram Bachan Sah, Resident of village- Selash,
P.S.- Kochas (Parsathua), Distt- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rakesh Pandey alias Bablu Ray son of Brijanand Ray, R/o village- Selas,
P.S.- Kochas (Parsathua O.P.) Distt- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 09-10-2015 Heard the learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, namely, Prakash Sah who apprehends
his arrest in Complaint Case No.530 of 2013 under Sections 420
and 323 of the Indian Penal Code.

It appears that the complainant filed complaint case
alleging that the accused persons including this petitioner agreed
to sell their property in favour of the complainant and agreement
was executed between the complainant and Sanjay Sah. The
consideration amount was fixed at Rs.2,50,000/-. Earnest money
of Rs.90,000/- was paid at the time of execution of the agreement
and subsequently, further amount was paid total Rs.1,80,000/- to
Sanjay Sah. Subsequently, the accused persons refused to sell the
property and also refused to return the amount.

The learned counsel for the petitioner submitted that in fact, the agreement is in the name of the brother of the petitioner, Sanjay Sah and all the payments were made by the complainant to the brother of the petitioner namely Sanjay Sah. Moreover, all the allegations are disputes regarding the sell and purchase of the property which is in fact, a pure civil dispute. According to the learned counsel, to the knowledge of this petitioner, no suit for specific performance has been filed by the complainant.

On the other hand, the learned A.P.P. objected the prayer.

Considering the allegation made in the complaint that in fact, there was agreement between the parties with regard to sell and purchase of the property, I direct the petitioner named above to surrender before the court below within six weeks from today and on his so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of Sri Dhirendra Kumar, learned J.M. 1st class, Sasaram, District- Rohtas in connection with Complaint Case No.530 of 2013.

(Mungeshwar Sahoo, J)

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