

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36457 of 2016

Arising Out of PS.Case No. -47 Year- 2015 Thana -AGAMKUAN District- PATNA

Prabhat Kumar aged about 42 years S/o Late Narayan Prasad, residing of Diwan Mohallah Pato Ki Bagh, Gwal Toli Police Station Kajekalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Prasad Singh Son of Late Ram Ashok Singh resident of Mohalla I.O. Colony Kumhrar, P.S. Agam Kuan, P.O. Bahadurpur, District Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukeshwar Dayal, Advocate
Mr. Vikas Mohan, Advocate
For the Opposite Party/s : Mr. Harish Kumar, Advocate
For the State : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 22-03-2017 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Agam Kuan P.S. Case No. 47 of 2015 (G.R. No. 373/2015) arising out of Complaint Case No. 138 of 2015 for the offences registered under Section 420 of the Indian Penal Code.

The main allegation against the petitioner is that he had executed an agreement for sale of his land and house situated at Nala Road and after receiving the money he did not execute the sale deed, though he had executed an agreement for sale of the said properties.



Learned counsel for the petitioner submits that whatever be the nature of allegation, the informant has a remedy by filing a suit for Specific Performance of Contract. It thus appears that the entire allegations is misconceived and it is only to harass the petitioner that the present allegations have been made by way of complaint petition.

Learned counsel appearing on behalf of the complainant-Informant has, however, contested the matter and stated that the petitioner has taken money from one Sanjay Kumar and also from the informant who is nothing but a broker and thereafter, he did not execute the sale deed. It is for the said reason that the criminal case has been lodged against him.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the informant and also learned counsel for the State, it appears that the nature of dispute is more one of civil nature in which specific remedy has been prescribed.

In view of such facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two



sureties of the like amount each to the satisfaction of A.C.J.M. Patna City in connection with Agam Kuan P.S. Case No. 47 of 2015 (G.R. No. 373/2015) arising out of Complaint Case No. 138 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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