

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2429 of 2017

Arising Out of PS.Case No. -1753 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA
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Daljeet Kumar, son of Sri Baijnath Prasad, resident of village/mohalla -
Head Manpur Kukara, Police Station - Buniyadganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Vikram Gupta, son of Late Suresh Prasad, resident of Mohalla - New
Godown Adda, P.S. - Kotwali, Dist. - Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur, APP
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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-02-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Complaint Case No. 1753 of 2014, registered under Sections 406

and 323 of the Indian Penal Code.

The accusation is that petitioner approached to the

father of the complainant-opposite party no. 2 to sale the land of

2.36 decimals of Municipal Khesra Nos. 978, 979, 981 (old) and

3342 (new) bearing Holding No. 553A/650 in Ward No. 10/29

situated at Mohalla- Joda Masjid, Manpur, Gaya. Accordingly,

consideration amount of Rs. 8,50,000/- was fixed, out of which,

Rs. 2,40,000/- was handed over to the petitioner and agreement to

sale was also executed. Thereafter, balance of consideration

amount was also paid to the petitioner but the sale deed was not



executed while sale deed was to be executed till 30.04.2013. In spite of repeated request, petitioner did not execute the sale deed nor returned the consideration amount as paid to him.

Learned counsel for the petitioner submits that it would appear from the complaint petition itself that the dispute is of purely of civil in nature and only to harass the petitioner, the present case has been lodged with false allegation. In fact, the petitioner wants to execute the sale deed but balance consideration amount is not paid by the complainant as per agreement to sell.

Considering the facts and circumstances of the case and civil nature of dispute, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Gaya, in connection with Complaint Case No. 1753 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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