

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12426 of 2017

Arising Out of PS.Case No. -3111 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Abhay Kumar Dubey Son of Late Ganesh Dubey , Resident of Hajiyapur,
Ward No. - 26, P.S.- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Nikhil Singh Son of Baccha Singh, Resident of Chhavahi of Chhavahi
Khas, P.O.- Gopalganj, P.S.- Manjhagarh, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-03-2017 The petitioner is apprehending his arrest in connection
with Complaint Case No. 3111 of 2012, registered for offences
punishable under Sections 341, 323, 324, 325 and 307/34 of the
Indian Penal Code and 27 of the Arms Act.

It has been submitted on behalf of the petitioner that
petitioner has nothing to do with the allegation made by the
complainant as complainant had entered into agreement with
accused no. 1 and 2 for purchase of piece of a land for a total
consideration of Rs. 33,00,000/- Rs. Thirty Three Lakhs) out of
which an amount of Rs. 50,000 (Rs. Fifty Thousand) was paid by
the complainant at the time of agreement and the rest amount of
Rs. 32,50,000 (Rs. Thirty Two Lakhs Fifty Thousand) was paid on
29.10.2012 but due to late hours, registry could not be done and
thereafter the complainant came to know that the said land was
registered in the name of petitioner (accused no. 3) and when the



complainant went to enquire about the said fact from petitioner, he became angry and threatened him. It has further been submitted that it is apparent even from bare perusal of the complaint petition, that petitioner has nothing to do with the alleged offence as he is only the purchase of the land. It has further been submitted that the present case is out and out a civil dispute for which a suit is already pending in the Court below

Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail.

Having heard both sides, in view of the fact that petitioner only happens to be purchaser in this case and no specific allegation has been made against him and also a civil suit is pending in the court below, as such, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Vivek Kumar Singh, learned Judicial Magistrate -1st Class, Gopalganj in connection with Complaint Case No. 3111 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Vinod Kumar Sinha, J)

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