

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25205 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -MAJHAHGARH District- GOPALGANJ

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1. Mahanth Prasad, S/O Late Muneshwar Prasad, resident of village-
Pathra, P.S.- Majhagarh, Dist- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Jai Prakash Prasad, son of Gorakh Prasad, resident of village-Phulwaria,
P.S.-Majhagarh, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the State : Mr. Sanjay Kr. Tiwary, APP

For the Opposite Party No.2: Mr. Anil Kumar Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 06-03-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Majhagarh
P.S. Case No.139 of 2015 instituted for the offence under
Section(s) 406, 420, 504 Indian Penal Code.

There is allegation in the Complaint Petition that
agreement had been made between the complainant and the
petitioner for execution of sale deed in respect of land for
consideration of rupees five lacs. The complainant paid rupees
three lacs in advance but the accused neither executed sale deed
nor returned the advance money.

It has been submitted on behalf of the petitioner that
he has returned advance money of rupees three lacs, which will



appear from the signature of the complainant made on Annexure-2. It has further been submitted that petitioner is aged about 85 years.

Counsel for the complainant-Opposite Party No.2 submits that he has not signed on Annexure-2.

Both the parties have filed the document annexed as Annexure-2 claiming the same to be original.

In such circumstances, this Court feels that this is purely a matter of civil dispute, which can be adjudicated properly in the Civil Court.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Majhagarh P.S. Case No.139 of 2015, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Bibek Kr. Singh, Judicial Magistrate, 1st class, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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