

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36839 of 2016

Arising Out of PS.Case No. -1753 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA
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Ambika Prasad, son of late Indradeo Sao, resident of Gurudwara Road,
Police Station- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vikram Gupta, son of late Suresh Prasad, resident of Moh.- New Godown
Adda, P.S.- Kotwali, District- Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Sri Murlidhar
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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

4 03-10-2017 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, in fact, remaining consideration amount was not paid by the complainant-opposite party no. 2, but with ulterior motive the present case has been lodged with false allegation. Moreover, the dispute is of purely civil in nature. It is further submitted that co-accused, Daljeet Kumar, has already been granted privilege of anticipatory bail by this Court vide order dated 28.02.2017 passed in Criminal Misc. No. 2429 of 2017.

Having regard to the facts and circumstances of the case, 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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