IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39383 of 2017

Arising Out of PS.Case No. -374 Year- 2016 Thana -PATNA COMPLAINT CASE District-PATNA

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Bibi Rukhshana Bano

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s: Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-08-2017 . Heard learned counsel for the petitioner and leaned Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection with Complaint case No. 374 (C) of 2016 registered for offences punishable under Sections 406, 420, 120 (B), 504 and 506 of the of Indian Penal Code.

The Complainant/Opposite Party No.2 has alleged that he entered into an agreement with this petitioner for purchasing the land at the rate of Rs. 4 lakh per katha. As per agreement, the Complainant gave total sum of Rs. 2, 80,000/- to the petitioner on different dates for executing sale deed in his favour but inspite of repeated reminder, the petitioner neither executed the sale deed nor returned the money and thereby cheated the complainant and also committed breach of trust.

Learned counsel for the petitioner submits that time was essence of contrast and the document was to be executed within two months from the date of agreement. But the

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complainant did not pay the balance of amount in time. A legal notice was also given to the complainant in this regard The petitioner is still ready to return the entrire balance money and so no offence under Section 420 of the Indian Penal Code is made out.

Learned Additional Public Prosecutor opposes the prayer of bail.

On perusal of the Complaint petition and Annexures, it appears that the dispute between parties relate to transfer the land on payment of Rs. 4 lakhs. As per agreement, the complainant has remedy to get the sale deed executed in his favour or to take back the money. The dispute is purely a civil dispute.

Having regard the facts and circumstances of the case, the prayer of Anticipatory bail of petitioner, Bibi Rukhshana Bano, is allowed and she in the event of her arrest or surrender before the Court below within a period of six weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 374 (C) of 2016 to the satisfaction of learned Judicial Magistrate, 1st class, Danapur, subject to the condition laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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