

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57387 of 2017

Arising Out of PS.Case No. -1266 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Karu Kumar Sah,
2. Bhola Sah Both Son of Shri Dukhan Sah, R/o Village- Ismilepur, P.S.-
Ismilepur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Niranjana Kumar Bharti @ Gautam Kumar S/o Shri Chandrakant Sharma,
R/o Company Bagh, P.S.- University, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 03-01-2018 Heard both sides.

The petitioners apprehend their arrest in Complaint
Case No. 1266 of 2016 registered under Sections 406, 420, 467,
468, 323 and 506 of the Indian Penal Code.

The complainant alleged that both the petitioners
entered into an agreement to sell a piece of land bearing Khata
No. 26, Khesra No. 5, area 47 decimals and Khesra No. 9, area
0.46 decimals, but the petitioners did not execute the sale deed.

Learned counsel for the petitioners submits that no
offence under any sections of the Indian Penal Code is made
out. At best, this is a case of breach of contract for which proper



remedy is a civil suit for specific performance of the contract.

On the other hand, learned counsel for the complainant, vehemently, opposed the anticipatory bail and submitted that the petitioners took huge amount from the complainant, but thereafter, they refused to execute the sale deed.

Considering the fact and nature of allegations made against the petitioners, it appears that it is a case of breach of contract and the dispute is of civil nature, the petitioners, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. 1266 of 2016 to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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