

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.447 of 2018

Arising Out of PS.Case No. -130 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Jitendra Ram.
2. Dharmendra Ram. Both Son of Sri Sopal Ram, resident of Village- Bihta
Tola, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bablu Kumar, son of Kamlesh Sharma, P.S.- Bihta, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-01-2018 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No.130(C)/2017 registered under Sections 420, 468, 120B of the Indian Penal Code.

The complainant alleged in the complaint petition that the petitioner agreed to sell a piece of land on consideration money of Rs.29.5 lakhs. The petitioner paid Rs.5 lakhs on 7.5.2016, Rs. 2,70,000/- on 21.07.2017 and Rs.3 lakh on 19.06.2016 but the petitioner refused to execute the sale deed.

The learned counsel for the petitioner submits that the petitioner never received any money from the complainant to sell



their lands. The complainant approached the petitioner to provide loan from the bank and the complainant took signature on plain paper.

The learned counsel for the petitioner submits that the dispute is of civil nature and the remedies available in the suit in specific performance of contract.

The learned counsel for the complainant on the other hand vehemently opposed the prayer for anticipatory bail and submitted that he has got every document duly signed by the petitioner showing the receipt.

Having considered the fact that it appears that the dispute is with regard to the non-compliance of the part performance on the part of the petitioner pursuant to filing deed of agreement to sale and for that prayer, remedy is available in suit for specific performance of contract. The petitioner denied to have received any money and also denied to execute any deed of agreement to sell.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt / production of a copy of this order are directed to be enlarged on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur in connection with Complaint Case No.130(C)/2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Sanjeev/-

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