

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48509 of 2017

Arising Out of PS.Case No. -417 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Harendra Rai, S/o Sambhu Rai, R/o Chaudharana Road, P.S.- Danapur,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Braj Kishore Singh, S/o Late Hare Ram Singh, R/o Nasriganj, Chaitola,
Danapur, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Complaint case no. 417(C) of 2016 registered

for the offences punishable under Sections 341, 323, 406, 420,

379, 504/34 and other sections of Indian Penal Code.

The allegation in the present case is regarding the

wife of the petitioner possessing a piece of land which was sought

to be sold to the complainant and in the process, the sale

consideration was fixed at Rs. 12,10,000/-. Thereafter, an

agreement for sale was executed between the said Sobha Devi and

the complainant in presence of the petitioner herein and others



who are witnesses to the said deed wherein, an advance sum of Rs. 4,20,000/- is said to have been paid and the balance amount of Rs. 7,90,000/- was to be paid at a later date. It has been further alleged that after the complainant had made arrangements for the balance amount of sale consideration, he requested the accused persons to get the sale deed registered. However, the accused persons started evading the complainant resulting in institution of the present case.

The learned counsel for the petitioner submits that the dispute in the present case is purely a civil dispute and the remedy of the complainant lies before an appropriate Court of civil jurisdiction. It is further submitted that as far as the petitioner is concerned, he is only said to be a witness to the agreement to sell, hence no offence is made out as against him, considering the allegations leveled by the complainant. It is further submitted that the petitioner is having a clean antecedent.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that a case under Section 406 of Indian Penal Code is definitely made out from a bare perusal of the complaint petition.

Having regard to the facts and circumstances of the case, the abovenamed petitioner, in the event of his arrest or



surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Raghvendra Narayan Singh, Judicial Magistrate 1st class, Patna in connection with complaint case no. 417(C) of 2016 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

