

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2107 of 2018

Arising Out of PS.Case No. -591 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ranjit Kumar @ Ranjeet Kumars, Son of Loki Singh, resident of Village Sonama, Police Station- Didarganj, P.O. Kothia, Via Begumpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kapil Prasad, Son of Late Ram Ayodhya Singh, Resident of Village Mahmatpur, Police Station- Didarganj, P.O. Kothia, Bhaya Begumpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Sinha

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-03-2018 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. 591 of 2017 registered for the offences punishable under Sections 420, 467, 468 of Indian Penal Code.

The case of the prosecution is that the petitioner herein had executed an agreement for sale dated 28.01.2015 in favour of the complainant on a sale consideration of Rs. 65 lakhs approximately, out of which, a sum of Rs. 10 lacs was paid by the complainant in advance. However, subsequently, it appears that a



total sum of Rs. 27.40 lacs approximately was paid by the complainant to the petitioner herein, however the sale deed was executed only for a portion of the land which was worth Rs. 27.72 lacs, hence a balance amount of Rs. 9.68 lacs was due to be deposited in favour of the complainant.

The learned counsel for the petitioner submits that the present case is purely a case of civil dispute, hence criminal case might not be maintainable as against the petitioner herein. However, without going into the merits of the case, it is submitted that the petitioner is ready to pay a sum of Rs. 5 lacs to the opposite party no. 2 for the purpose of grant of anticipatory bail.

The learned counsel for the opposite party no. 2 submits that atleast a sum of Rs. 7.6 lacs be directed to be paid, which is the admitted amount outstanding at the end of the petitioner herein.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to direct the petitioner to deposit a sum of Rs. 5 lacs with the *Nazarat* of the concerned court within a period of four weeks from today. It is further directed that the petitioner shall surrender before the concerned court within a period of four weeks and show the receipt of deposit of the aforesaid amount of Rs. 5 lac whereafter, the



concerned court shall release the petitioner 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 Additional Chief Judicial Magistrate, VIth, Patna City in connection with complaint case no. 591 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that in case, the opposite party no. 2 approaches the concerned court for withdrawal of the aforesaid amount of Rs. 5 lacs, the concerned court, after proper verification, would release the said amount in favour of opposite party no. 2 without prejudicing the rights of the opposite party no. 2 to approach the court of proper civil jurisdiction for grant of proper relief. It is further directed that the petitioner shall not be arrested for a period of four weeks from today.

The present petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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