

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45981 of 2018**

Arising Out of PS. Case No.-3282 Year-2015 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Aditya Kumar Singh, Son of Krishnath Singh @ Krishna Nath Singh,
Resident of Village- Hariharpur, P.S. Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Satbun Nesha, Wife of Kaladeo Nat, Resident of Village- Yadopur Sukul,
P.S.- Yadopur, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate
For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP
For the Opposite Party No.2: Mr. Anirudh Kumar Verma, Advocate
Mr. Vyas Kumar Mishra, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 02-04-2019 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the
State.

The petitioner is apprehending his arrest in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offences punishable under
Sections 406, 420 and 468 of the Indian Penal Code.

The prosecution case as per the complainant, Satbun



Nisha is to the effect that she was inclined to purchase a piece of land for construction of the house, she approached to the petitioner for purchase of 7 katha 5 dhurs situated at Jadopur, the deal was finalized at the rate of Rs.60,000/- per katha. In pursuant to the agreement from 20.08.2012 to 25.09.2012 in presence of the witnesses, the complainant claims to have paid Rs.4,35,000/- to the petitioner for purchase of 7 katha 5 dhurs of land. On 25.09.2012 the petitioner came to execute the sale deed but taking advantage of the complainant being illiterate he got a sale deed executed from one Nathuni Manjhi in respect of the different land appertaining to Khata No. 395, Plot No. 1117/227 area 7 katha 5 dhurs. Subsequently, on 26.09.2012 the petitioner got executed a deed of exchange of Most. Kalwati and Most. Janki. Hence, it is alleged that complainant paid Rs.4,35,000/- to the petitioner as consideration amount and Rs.1,65,000/- as registration charges.

It is submitted by learned counsel for the petitioner that there is no proof with regard to the payment to the petitioner. The sale deed was executed by Nathuni Manjhi. The deed of exchange was executed by Most. Kalawati and Most. Janki. Both the deeds were executed in 2012 when the complaint has been filed in 2015. The remedy lies to the



complainant by way of filing civil suit. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that the money was paid to the petitioner and the petitioner has played fraud, as a result, the sale deed with regard to different land has been executed by Nathuni Manjhi and deed of exchange has been executed by Most. Kalwati and Most. Janki.

Considering the fact that there is no proof with regard to any agreement between the petitioner and the complainant, the thrust of accusation is against Nathuni Manjhi, Most. Kalawati and Most. Janki and above all, the accusation arising out of civil nature of dispute, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj. in connection with Complainant Case No. 3282 of 2015/ Trial No. 785 of 2017,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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