

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53366 of 2019

Arising Out of PS. Case No.-699 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Lallu Prasad Son of Late Bangali Singh Resident of Village - Nandlal
Chhapra, P.S.- Ram Krishna Nagar, Dist.- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Rekha Tiwari W/o Dharmendra Kumar Resident of Village - P.C. Colony,
Kankarbagh, P.S.- Kankarbagh, Dist.- Patna. (Bihar)

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Ashok Kumar Varma

For the Opposite Parties : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the complainant.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 699(C) of 2018 registered under Sections
323, 420, 468, 471 read with 34 of the Indian Penal Code.

It is contended by learned counsel for the petitioner
that the dispute between the petitioner and the complainant is
predominantly civil in nature. Even if the last date of payment
as mentioned in the agreement is taken into account, the
complaint has been lodged after five years. Hence, the
cognizance taken by the court is barred by law of limitation.

Learned counsel appearing for the complainant has



opposed the prayer for grant of pre-arrest bail. He has contended that after receiving the money from the complainant, the petitioner did not register the sale deed as promised by him.

Be that as it may, since the allegation made in the complaint is predominantly civil in nature, in the event of arrest or surrender before the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Danapur in connection with Complaint Case No. 699 (C) of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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