

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80081 of 2018

Arising Out of PS. Case No.-45 Year-2018 Thana- MIRGANJ District- Purnia

Shivesh Kumar @ Mahanth Kumar s/o- Gopal Choudhary, Resident of
village- Khagha, Police Station- Meerganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar

For the Opposite Party/s : Mr.Sri Sanjay Kumar Tiwary 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-01-2019 Heard both sides.

The petitioner apprehends his arrest in Mirganj P.S.
Case No.45 of 2018 registered under Sections 419, 420, 504,
506 and 34 of the Indian Penal Code.

The informant alleged that Gopal Choudhary and his
son Shivesh Kumar approached him and they were willing to
mortgage their land. They also disclosed that they would sell
their land in favour of the informant. The informant further
alleged that the petitioner and his father took Rs.6, 65,000/- but
did not execute the sale deed.

Learned counsel for the petitioner submits that there is



no written agreement for sale. The dispute is of civil nature. If the petitioner is unwilling to execute the sale deed even after receiving consideration amount, the informant has got right to file a suit for breach of agreement to sell. No offence under Section 419 or 420 of the Indian Penal Code is made out. The accused Gopal Choudhary has already been enlarged on anticipatory bail vide order dated 06.10.2018 passed in Cr. Misc. No.61853 of 2018.

On the other hand, learned counsel for the informant as well as Additional P.P. vehemently opposed the prayer for anticipatory bail and submitted that the petitioner took money on the promise of executing sale deed.

Having considered the facts aforesaid that there is dispute with regard to non-execution of sale deed and the fact that the father of petitioner has already been enlarged on anticipatory bail, the petitioner, above named, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -I, Purnia in connection with Mirganj P.S. Case No.45



of 2018, subject to conditions as laid down under Section 438
(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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