

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20253 of 2020

Arising Out of PS. Case No.-499 Year-2018 Thana- NAUBATPUR District- Patna

SURENDRA PRASAD @ SURENDRA PRASAD SHARMA Son of
Saturghan Sharma Resident of Village - Virpur, P.O.- Nagwal, P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Premjeet Kumar Son of Sri Ram Pravesh Singh Resident of Village - Parasa,
P.S.- Naubatpur, District- Patna. Director Icon Construction Pvt. Limited,
Office at- Jagdeo Path, Piller No. 7SBI Colony, House No. -2/23, District-
Patna
3. Neelam Sinha Wife of Ravi Shankar Sinha R/O- Bahadurpur Housing
Colony, Bhutnath Road, Kankarbagh, Patna - 800020

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Adv.
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2020 The Court proceeding has been conducted through
virtual mode.

Since the physical Court is not functional due to the
present pandemic, Covid-19, the matter has been listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
bench.



Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends arrest in a case registered for the offences punishable under Sections 406, 420, 384, 385, 506/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Premjeet Kumar submitted before the S.H.O., Naubatpur Police Station is to the effect that petitioner is a contractor of a construction company, namely, ICON CONSTECH Pvt. Ltd. and the informant entered into an agreement with the petitioner for purchase of a particular piece of land. The informant after paying the entire consideration amount of Rs.5,47,000/- to the petitioner as well as fulfilling the required procedural formalities of the deed, went to registry office to get the sale deed registered, but due to failure of the link, the sale deed could not registered. It is alleged that on 24.08.2019, the petitioner along with other co-accused persons came and further demanded Rs.5,00,000/- from the informant and threatened that until the said amount is not being paid, the sale deed will not be registered. On protest being made, all the accused persons started abusing the informant and tried to throttle him.

It is submitted by learned counsel for the petitioner



that the registration of the sale deed could not be done because the informant failed to make payment of entire consideration amount. Moreover, for the civil nature of dispute, the criminal case has been lodged. There is no specific overtact levelled against the petitioner and even assuming the accusation to be true, no offences under Sections 402 and 420 of the Indian Penal Code is made out against the petitioner since the payment of consideration amount has not been made as per the terms of the sale agreement with regard to the land in question.

Learned APP for the State submits that the accusation is specific against the petitioner in the FIR.

Considering the fact that the accusation is arising civil nature of dispute, the fact that the investigation has already been concluded, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned ACJM-II, Danapur, Patna, in connection with Naubatpur P.S. Case No. 499 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

However, in view of the present pandemic, COVID-



19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-II, Danapur, Patna, in connection with Naubatpur P.S. Case No. 499 of 2018.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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