

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48030 of 2019**

Arising Out of PS. Case No.-4018 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Deolal Rai @ Deo Lal Singh, S/o Late Nawab Lal Rai, R/o village- Khushal
Chak, P.S.- Gauri Chak, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Rakesh Kumar, son of Late Hari Narayan Singh, R/o Ashok Nagar, Road
No. 9, P.S. Kankarbagh, Post- Lohia Nagar, District- Pana.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Gyan Prakash, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar, A.P.P.
For the Complainant	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 05-10-2020 Heard Mr. Gyan Prakash, learned counsel for the

petitioner, Mr. Anil Kumar, learned A.P.P. for the State and Mr.

Sanjeev Kumar, learned counsel for the complainant-opposite

party no. 2.

The petitioner in the present case is seeking pre-arrest
bail in Complaint Case No. 4018© of 2017 pending in the court
of learned Judicial Magistrate 1st Class, Patna in which
cognizance of the offence under Sections 323 and 420 of the
Indian Penal Code has been taken and summon has been issued
to the petitioner.

Since the petitioner is apprehending his arrest on



surrender , the present application has been preferred.

Learned counsel has taken this Court through the allegations made in the complaint petition as also the statement of the complainant on oath. It is his submission that in a case of sale and purchase of land the allegation against the petitioner is that he had received Rs. 55,000/- in cash from the complainant but did not execute the sale deed in respect of the five kathas of land which were agreed to under the agreement. It is submitted that not only the dispute is purely civil in nature, in order to show his bona fide the petitioner is ready to execute the sale deed of the land in terms of the agreement but it is the complainant who is not getting the deed registered and instead of getting the deed executed in terms of the agreement, the complainant chose to serve a legal notice dated 16.12.2016 even before the expiry of the period within which sale deed was to be executed.

Learned counsel submits that the allegation of the complainant that he had sold the land to some body else is completely false and baseless.

Mr. Sanjeev Kumar, learned counsel for the complainant-opposite party no. 2 has opposed the prayer for anticipatory bail of the petitioner alleging that the petitioner has



already sold the land to some body else but ultimately keeping in view the submission of learned counsel for the petitioner, learned counsel for the complainant-opposite party no. 2 accepts the offer to get the land registered keeping his right reserve to move this Court for cancellation of bail and prosecution of the petitioner for making a false statement if later on it is found that the land in question has already been sold to some body else.

Learned A.P.P. for the State is also present.

Having regard to the facts and circumstances of the case, the nature of dispute and the specific statement of the petitioner offering the land to the complainant-opposite party no. 2 in terms of the agreement while allowing the complainant-opposite party no. 2 to reserve his right in the circumstances submitted by him, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Smt. Sarika Vahalia, J.M. 1st Class, Patna in connection with Complaint Case No. 4018(c) of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

