

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62346 of 2019**

Arising Out of PS. Case No.-1319 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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CHANDRA BHUSHAN CHOUDHARY Son of Baldeo Choudhary Resident
of Village - Nonhi, P.S.- Rajgir, Distt - Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Satyendra Kumar Sinha Son of Ram Lakhan Prasad Resident of Village -
Nonhi, P.O. - Nahub, P.S.- Rajgir, Distt - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 16-06-2020 The petition has been taken up for consideration through
the mode of Video conferencing in view of the prevailing
situation on account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the petitioner, Sri Binod
Kumar, the learned APP for the State and the learned counsel for
the informant.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 1319C of 2017 registered
for the offence punishable under Sections 420 and 406 of the
Indian Penal Code.

The case of the prosecution in brief is that an agreement



was executed in between the complainant and the accused person i.e. the petitioner herein for the purposes of purchase of land and sale consideration was fixed at a sum of Rs. 24,00,000/-, whereafter the complainant is stated to have given an advance sum of Rs. 22,00,000/- to the petitioner herein, however, neither the petitioner has got the sale deed executed and registered in favour of the complainant nor he has returned back the advance sum of Rs. 22,00,000/- taken by him.

The learned counsel for the petitioner has submitted that the dispute in question is purely of civil nature, hence, the remedy of the complainant lies before a competent court having civil jurisdiction and the present complaint is an abuse of process of the court. It is further submitted that the petitioner has got no intention to cheat the complainant.

Per contra, the learned counsel for the informant has submitted that the land in question is under dispute and the petitioner was trying to sell a disputed land to the complainant, however, after the complainant had detected the ill motive of the petitioner, he had asked the petitioner to return back his money, but to no avail, hence, the petitioner does not deserve the privilege of anticipatory bail.



Having regard to the facts and circumstances of the case and considering the fact that the dispute in question is purely of civil nature, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Complaint Case No. 1319 C of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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