

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65907 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- PATNA COMPLAINT CASE District- Patna

VIRENDRA SHAH @ BIRENDER SAO, aged about 44 years, Male, Son of Radhe Sah, Resident of Flat No. 2B Harsh Raj Complex, Devasthan, Lane No. 15, Kankarbagh, P.S.- Patrakar Nagar, Patna, District – Patna

... Petitioner

Versus

1. The State of Bihar
2. Subhash Sharma, aged about 40 years, Male, Son of Nageshwar Sharma, Resident of Village- Sanjhaya Kothi, P.O.- Sutiha, P.S.- Derani, District- Saran
... Opposite Parties

Appearance :

For the Petitioner : Mr. Bibhakar Tiwary, Adv.

For the Opposite Parties : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 29-01-2020

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Complaint Case No. 205(C) of 2019, registered under Sections 323, 420, 406, 467 and 468 of the Indian Penal Code.

The accusation is that the complainant/opposite party no. 2, Subhash Sharma, negotiated with the petitioner to purchase 6000 sq. ft. land of khata no. 122, plot no. 1475 on payment of Rs.5,50,000/- and he paid the said amount on different dates. Thereafter, in the month of June, 2016, started to give pressure upon the petitioner to execute the sale deed, then, the petitioner furnished the receipt about taking the advance money and became ready to execute the sale deed on 30.07.2016. On that date petitioner went at Registry Office and sale deed was drafted and he put his signature on all pages of the sale deeds, but, at the time of its presentation before the Sub-Registrar, he



left from there. In spite of several request letters, petitioner did not pay any heed.

Submission is that no talk was made by the complainant/opposite party no. 2 with the petitioner to sell the land nor the petitioner has received any amount and for ill motive the present case has been lodged. Further, submission is that more over, from the contents, as detailed in the complaint petition, the dispute appears to be purely of civil nature and remedy is available to the complainant/opposite party no. 2 under the Registration Act.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Complaint Case No. 205(C) of 2019 shall 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 Judicial Magistrate, 1st Class, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

