

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1299 of 2020**

Arising Out of PS. Case No.-3138 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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GAJENDRA SINGH @ GAJENDRA KUMAR SINGH Son of Shatrughan
Singh Resident of Village- Karnpura, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Praveen Kumar Singh Son of Sri Jagnarayan Singh Resident of Village-
Karnpura, P.S.- Gopalpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh
For the Opposite Party/s : Mr.Rina Sinha

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 19-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of
Complaint Case No. 3138 (C) of 2016, disclosing offences
punishable under 420 and 506 of the Indian Penal Code.

The petitioner is in custody since 05.11.2019. It is
alleged in the complaint petition that the petitioner had entered
into an agreement with the complainant for sale of land
measuring five kattha at the rate of Rs. 6,00,000/- per kattha. It
is further alleged that the complainant had given in advance, a
sum of Rs. 8,00,000/- at the time of agreement. He also asserts



that on 01.08.2015, the complainant had taken loan of Rs. 6,00,000/- from the petitioner, which he had returned. It is the case that the complainant had transferred a total sum of Rs. 11,20,000/- to the petitioner. It is alleged that the petitioner did not execute the sale deed and instead he executed sale deed in respect of land in question in favour of some other person.

Mr. Rudal Singh, learned counsel appearing on behalf of the petitioner has argued that the dispute is of purely civil nature. He has further submitted that till date, no suit has been filed for specific performance of contract and the present complaint petition has been filed just to harass the petitioner.

Learned counsel representing the complainant has vehemently opposed the prayer for regular bail.

However, considering the fact that the petitioner has already remained in custody since November, 2019, in a case arising out of a complaint filed by the opposite party no. 2, in relation to dispute that *prima facie* appears to be civil in nature, this application is allowed.

Let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate in connection with Complaint Case No.



3138 (C) of 2016.

(Chakradhari Sharan Singh, J)

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