

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21261 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- KANTI District- Muzaffarpur

Ali Sajjad Rizvi Son Of Late Syed Ali Asghar Rizvi R/O Village- Chainpur,
P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 15-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Kanti P.S. Case No. 334 of 2020 instituted for the offences under Sections 406, 420, 467, 468, 471, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that a civil dispute has been given a colour of criminal case only with a view to force the petitioner into submission so that the petitioner acts in the manner the informant wants. Further, the learned counsel submits that the entire dispute hinges around the fact that the sale deed has not been executed by the petitioner despite taking money. It is further submitted that the petitioner is in custody since 16.11.2020 and the charge-sheet has



been submitted in this case.

Learned counsel for the informant on query of the Court as to whether the present case is a civil dispute or a criminal case, the learned counsel for the informant very fairly admits that the case is in the nature of a civil dispute.

Learned A.P.P. for the State submits that the remedy for the informant ought to have been before the Civil Court for getting sale deed executed but the present criminal case has been instituted. Both the learned counsel have fairly submitted that in the nature of allegation as alleged in the F.I.R. the dispute prima facie appears to be civil in nature.

Considering the fact that the petitioner is in custody since 16.11.2020, he being a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Kanti P.S. Case No. 334 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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