

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28024 of 2020

Arising Out of PS. Case No.-2081 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Mritunjay Kumar @ Mirtuanjay Kumar, Son of Kamla Nand Das, Resident of Village- Madhubani, P.S.- Khajanchi Hat, District- Purnea at present Teacher, B.B. Memorial high School, Bhatta Bazar, Purnea, P.S.- Sahayak Khajanchi Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Sinha, Son of Late Dayashankar Prasad, R/o Mohalla-Koratbari, Madhubani, P.S.- K. Hat, District- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Adviocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-02-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 2081 of 2017, registered under Sections 323, 406 and 420 of the Indian Penal Code.

The accusation is that complainant-opposite party no. 2, Arun Kumar Sinha, executed the sale deed on 07.02.2017



in respect to area one Katha three dhur of Municipal Survey Plot No. 784 on fixing the consideration amount of Rs.18,00,000/-, out of which, petitioner paid Rs. 12,71,000/- to the opposite party no. 2 and remaining amount of Rs.5,29,000/- was due but regarding which, an agreement was executed to the effect that some portion of land detailed in the sale deed was in dispute. After solving the said dispute, petitioner will hand over Rs.5,29,000/-, otherwise he will not pay the said amount. Later on, complainant-opposite party no. 2 solved the dispute and handed over the portion of the land, which was in dispute. On measurement, petitioner used to reside after construction of the house on one Katha three dhur but in spite of much persuasion, petitioner did not pay the remaining amount of Rs.5,29,000/-. On 05.11.2017, when complainant-opposite party no. 2 along with Basant Kumar Sinha went at the house of petitioner and demanded remaining amount of Rs.5,29,000/- then petitioner started to abuse and refused to pay the said remaining amount.

Learned counsel for the petitioner submits that, in fact, at the time of execution of sale deed, only possession in respect of one Katha two Dhur was handed over by the complainant-opposite party no. 2 to the petitioner and one dhur is still pending in dispute but the complainant-opposite party no.



2 only to give undue pressure, the present case has been lodged with false allegation. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Complaint Case No. 2081 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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