

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2892 of 2022

Arising Out of PS. Case No.-417 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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SHAMBHU KUMAR SON OF KULDIP PASWAN R/O VILLAGE-
MASTPURA, P.S.- BODH GAYA, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of four cases and the complainant
alleges that on inducement of the petitioner. He agreed to
purchase the land of the petitioner and thereafter paid Rs. 1 lakh
as advance and after sometime also paid Rs. 25,000/- but the
petitioner did not execute the sale deed, it is next alleged that
the complainant came to know that petitioner had already sold
his land to some other person in the year 2013.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the complaint, it appears that complainant alleges that Rs. 1,45,000/- was given to the petitioner but from bare perusal of the agreement for sale, it appears that an amount of Rs. 4,80,000/- was paid to the petitioner i.e. the entire consideration amount, the learned counsel for the petitioner next submits that it is a purely civil dispute which has been given colour of a criminal case, it is next submitted that as per agreement for sale the time was fixed that the entire amount had to be paid within stipulated time but since the condition of the agreement for sale was breached as such the agreement came to an end and thereafter the present false case came to be instituted alleging false allegations, the learned counsel for the petitioner next submits that if complainant is aggrieved by the conduct of the petitioner then the complainant ought to have resorted to remedies available under the Specific Relief Act.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaya Complaint Case No. 417 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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