

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7129 of 2022**

Arising Out of PS. Case No.-2647 Year-2019 Thana- KATIHAR COMPLAINT CASE Dis-
trict- Katihar

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KAMESHWAR PRASAD SINGH Son of Late Suraj Singh Resident of Vil-
lage - Masumganj, P.S.- Bhagwan Bazar, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate

For the Opposite Party/s: Mr. A.P.P.

For the Informant : Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner, the informant and
learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 384, 406 and 420/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
has antecedent of two cases.

The informant/complainant alleges that she had entered
into an agreement for sale with the petitioner but he after receiving
part consideration amount is not executing the sale deed, though the
informant/complainant is willing to make the entire payment.

Learned counsel for the petitioner submits that petitioner
has been falsely implicated in the present case and the dispute is



purely civil in nature for which criminal case ought not to have been instituted. He further submits that informant has remedy available in law against the petitioner under the Specific Relief Act.

Learned A.P.P. for the State and the informant vehemently opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that prima facie the allegations are civil in nature for which criminal case ought not to have been instituted.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 2647 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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