

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17922 of 2022

Arising Out of PS. Case No.-920 Year-2021 Thana- BIHTA District- Patna

Subhra Shree Singh, D/O Late Shankar Sharan Singh R/O Mohalla- Road No.
1 Shivpuri, Lbs Nagar, P.S.- Srikrishnapuri, District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjeet Kumar Singh
For the Opposite Party/s :	Mr. Ganesh Prasad Singh
	Mr. Upendra Mishra
	Mr. Sanjeeb Kumar Sanju
	Mr. Raj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 419,
420, 467, 468, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is an unmarried
lady and the informant alleges that Nutan Sinha, petitioner and
Sudhir Kumar received Rs.61,00,000/- from the informant and
others after executing an agreement for sale with respect to 64
decimals of land. However, after accepting the amount, they
executed the sale deed of the land in question in favour of other



accused persons and thus, cheated informant and other purchasers of Rs.61,00,000/-.

The learned counsel for the petitioner submits that an agreement for sale was entered into in between Nutan Sinha (mother of the petitioner) with different intending purchasers. It is next submitted that on account of dispute relating to final demand, the land was sold to different purchaser. The learned counsel next submits that Nutan Sinha was in custody and she has already returned amount of Rs.39,00,000/- to the informant and other purchasers, who had entered into the said agreement for sale dated 25.02.2020 (a copy of the sale agreement is on record), which was filed in the Court. It is next submitted that since Nutan Sinha, who was in custody and now, has been granted provisional bail and the matter is before the learned Mediator and she is also willing to return the legitimate dues and not the fanciful demand of the informant, as such, no useful purpose would be served by sending the present petitioner, who is her daughter, to jail. The learned counsel next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation primarily is a civil dispute, which has been given a criminal colour. It is next submitted that if the informant is aggrieved by the conduct of Nutan Sinha and other



accused persons, then she has remedies available in law either a suit for specific performance or a money suit can be filed, but a criminal case definitely is nothing, but an abuse of process of the Court. It is next submitted that the learned Court should not become a recovery agent for such civil dispute.

The learned counsel for the informant as well as learned Additional Public Prosecutor opposes the anticipatory bail application. The learned counsel for the informant submits that though it has been submitted by the learned counsel for the petitioner that Rs.39,00,000/- has been paid, but in reality only Rs.21,00,000/- has been paid and the rest amount, which is yet to be paid is before the learned Mediator. The learned counsel for the informant is not able to rebut the submission of the learned counsel for the petitioner that the dispute is civil in nature for which, a criminal case is definitely an abuse of process of the Court and further, that no party should be forced or coerced to pay a disputed amount which can be duly adjudicated in a civil proceeding.

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, is directed to be



released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihta (Neora O.P.) P. S. Case No.920 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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