

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30980 of 2021

Arising Out of PS. Case No.-975 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

VIVEK PRATAP SINGH Son of Late Janakdev Singh Resident of Mohalla-
Mathuriya, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Binda Devi Wife of Late Sanjay Mistri Resident of Mohalla- Bharavpar
Transformer and near Dr. Chandeshwar Prasad, P.S.- Laheri, District-
Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate Mr. Satya Ranjan Sinha, Advocate
For the Opposite Party/s :		Mr. Aditya Narayan Singh-I, APP Mr. Anil Chandra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-01-2022 Heard Mr. Vikram Deo Singh, learned Advocate
for the petitioner and Mr. Anil Chandra for the
complainant/opposite party no. 2. The State is
represented by Mr. Aditya Narayan Singh, learned APP
for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Complaint Case No. 975 C of
2019 dated 30.07.2019 in which cognizance has been
taken under Sections 420/34 of the Indian Penal Code.

It has been submitted that the accusation in the
complaint petition is absolutely bizarre in as much as it
does not make out any offence against the petitioner.



A long story has been spun by the opposite party no. 2, wherein she has stated that she wanted to purchase a plot of land from one Pappu Kumar but for some reason or the other the land could not be transferred. Later, Pappu Kumar made her meet the petitioner who agreed, in principle, to part with two decimals of his land for a consideration amount of Rs. 7,80,000/-. It was an understanding between the parties that the money which was paid to Pappu Kumar would be adjusted against the price of the plot of land which the petitioner was to transfer to the opposite party no. 2. It has further been alleged in the complaint petition that approximately Rs. 1.51 lakhs was paid to the petitioner in cash.

Learned counsel for the petitioner has submitted that if there is any allegation against any person, that is against Pappu Kumar and not against the petitioner. What was the nature of agreement and whether the petitioner had agreed to part with his land by accepting the money which was paid to Pappu Kumar under a different agreement is not known.

Learned counsel for the petitioner has submitted that for no good/apparent reason, he has been arraigned as an accused in this case.

There is no evidence of payment of any amount



to the petitioner and there is no agreement with him also.

Surprisingly, the complainant has averred that the land was registered in her favour but when she wanted Pappu Kumar to be one of the witnesses to the sale deed, he refused and later threatened her of dire consequence.

Learned counsel for the petitioner has, therefore, submitted that he has not been able to understand the actual accusation against the petitioner.

Mr. Anil Chandra, learned counsel for the complainant/opposite party no. 2 submits that the very vagueness of the complaint petition demonstrates that opposite party no. 2 is a simpleton, who has been fobbed off his money by Pappu Kumar in conspiracy with the petitioner.

After having perused the complaint petition and the other documents brought on record, there does not appear to be any *prima facie* case against the petitioner.

For the reasons aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned
Judicial Magistrate 1st Class, IIIrd, Nalanda at Bihar Sharif
in connection with Complaint Case No. 975 C of 2019,
subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

