

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32792 of 2021

Arising Out of PS. Case No.-311 Year-2018 Thana- RUPASPUR District- Patna

ARVIND KUMAR TIWARI Son of Late Ram Pujan Tiwari Resident of
Village - Upharpura, Sahay nagar, P.S. - Phulwari Shariff, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-01-2022 Heard learned counsel for the petitioner, Mr. Rajeev
Ranjan Sinha learned counsel for the informant and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Rupaspur P.S. Case No. 311 of 2018 instituted for the offences
under Sections 406, 420, 341, 323 and 504/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.06.2020, charge-sheet has been
submitted in this case and has antecedent of one complaint case
as mentioned in para 3 of the bail application.

The informant in the FIR alleges that he gave
Rs.24,25,000/- to the petitioner for purchasing his constructed



house for which an agreement for sale was entered into between the informant and the petitioner. Further the petitioner after taking the advance refused to execute the sale deed.

Learned counsel for the petitioner submits that the petitioner vehemently disputes the sale deed as not being genuine and submits that this informant is a land grabber. Learned counsel further submits that admittedly a civil dispute has been given colour of a criminal case, if informant is aggrieved by the conduct of the petitioner and what he alleges in the FIR is true then his remedy lies elsewhere, either he should file a suit for specific performance or any other civil remedy as available to him in accordance with law that is money suit etc.

Learned A.P.P. for the State and the learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner.

Learned counsel for the informant submits that the petitioner after taking Rs.24,25,000/- refused to execute the sale deed and, as such, the petitioner should either repay the amount in one go or in installment.

The Criminal Courts are not meant for getting civil disputes adjudicated through coercion if the informant is aggrieved he has his remedy elsewhere.



Considering the fact that the petitioner is in custody since 04.06.2020, charge-sheet has been submitted in this case and prima facie the case is of civil dispute let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur, Patna in connection with Rupaspur P.S. Case No. 311 of 2018.

(Satyavrat Verma, J)

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