

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39407 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. RAGHWENDRA NARAYAN SINGH @ RAGHWENDRA NR. SINGH
S/o Late Surendra Nr. Singh
 2. Rajesh Singh @ Rajesh Kr. Singh S/o Raghwendra Narayan Singh @
Raghwendra Nr. Singh
 3. Amit Singh @ Amit Kumar Singh S/o Rajesh Singh @ Rajesh Kr. Singh
All are Resident of Village - Bhawanipur, P.S. - Singeshwar, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarobar Yadav S/o Late Bachu Yadav Resident of Village - Laraha, P.S.-
Singeshwar, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Complainant	:	Mr. Dinesh Prasad Verma, Advocate
For the State	:	Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-06-2022 Heard learned counsel for the petitioners, the
complainant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
420 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent.

The complainant alleges that the accused persons took
an amount of Rs.1,55,000/- for selling their land. It is alleged
that altogether Rs.2,28,000/- was given to the accused persons



both by cheque and cash for purchasing two Kathas of land. It is alleged that the payment was made in between 2015 to 2017 but after receiving the amount the accused persons did not execute the sale deed.

Learned counsel for the petitioners further submits that the complainant has instituted a Case No. 279 of 2018 under the Specific Performance Act for a direction upon the accused persons to execute sale deed. It is next submitted that the alleged amount received by the accused persons was with respect to a land which they had sold earlier to the complainant and had even executed sale deed on the assurance that rest of the amount would be paid. It is next submitted that it was the said amount which was due which was paid by the complainant and since he wanted to purchase two Kathas of land more from the accused persons for which they were not ready, as such, the present false complaint case came to be instituted based on the fact that the said amount which was paid to the petitioners were due amount of the previous transaction. Learned counsel next submits that even presuming what has been alleged is true without admitting the same for the purposes of anticipatory bail then the entire amount which is alleged to have been paid as of date cannot be recovered even by way of money suit and



criminal case is not a remedy for settling the issue. It is next submitted that what has been alleged in the complaint is true then the petitioners would suffer the consequences after trial.

Learned counsel for the complainant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that a suit for specific performance has been instituted by the complainant for a direction upon the petitioners to execute the sale deed.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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.10,000/- (Rupees Ten Thousand) each 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. 23 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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