

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38781 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- CHORAUT District- Sitamarhi

MD. ISRAFIL HUSSAIN @ MD. ISHRAFIL HUSAIN Son of Md. Suleman  
Chudihar Resident of village- Yadupatti Bazar, Ward No. 2, PS- Chorout,  
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Ashhar Mustafa, Advocate   |
| For the Opposite Party/s | : | Mr. Chandra Bhusan Prasad, APP |
| For the Informant        | : | Mr. Ajay Kumar, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      10-08-2022                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 406, 420,  
467 and 468 of the Indian Penal Code.

Learned counsel for the petitioner submits that the  
petitioner has antecedent of one case and the informant alleges  
that the petitioner after receiving part of the consideration  
money from the informant with respect to a land as detailed in  
the FIR did not execute the sale deed.

Learned counsel for the petitioner submits that a civil  
dispute has been given a colour of criminal offence, it is next  
submitted that from perusal of allegation as alleged in the FIR it



would manifest that the dispute is purely civil in nature as informant alleges that the petitioner despite receiving part consideration with respect to a land has not executed the sale deed, the learned counsel next submits that if what the petitioner alleges is true then he had remedy of filing a suit under Specific Performance Act seeking a direction upon the petitioner for executing the sale deed in terms of the agreement for sale but the petitioner instead of resorting to the remedy available in law has filed a criminal case in order to coerce the petitioner into submission for realizing his money which the petitioner dispute.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the dispute is purely civil in nature for which a criminal case has 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 Chorout P.S. Case  
No. 02 of 2022 subject to the conditions as laid down under  
Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Shivam/-

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