

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65655 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- RUDRAPUR District- Madhubani

1. SHAKTINATH JHA Son of Late Kuldeep Narayan Jha Resident of Village - Haradi Purwari Tola, P.S. - Rudrapur, District - Madhubani.
2. Bhabanand Jha @ Bhagwan Jha Son of Sri Shaktinath Jha Resident of Village - Haradi Purwari Tola, P.S. - Rudrapur, District - Madhubani.
3. Subhash Chandra Jha Son of Sri Shaktinath Jha Resident of Village - Haradi Purwari Tola, P.S. - Rudrapur, District - Madhubani.
4. Sourabh Kumar Jha @ Sourabha Kumar Son of Bhabanand Jha @ Bhagwan Jha Resident of Village - Haradi Purwari Tola, P.S. - Rudrapur, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Advocate
For the Opposite Party/s	:	Ms. Renuka Ratnakar, APP
For the Informant/s	:	Mr. Hriday Narayan Harshit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 20, 406, 467, 468 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that petitioner no.1 finalized the sale of two kathas of his land with the informant at the rate of Rs. 5 lakh per katha, for which Rs. 6,21,000/- was paid by the informant in pursuance of



an agreement, thereafter the informant till 19.05.2021 paid a total amount of Rs. 8,71,000/- to the accused persons but the accused persons later refused to execute the sale deed.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that the dispute is purely civil in nature, for which a criminal case is definitely an abuse of the process of the Court, it is also submitted that, in the event, if the informant is aggrieved by the act of the petitioners then he had remedy under the civil law or could have filed a money suit for recovering the amount paid but definitely the amount can be paid to the informant by putting the petitioners into fear of arrest in pursuance of an FIR, it is also submitted that petitioner disputes the agreement for sale.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not able to meet the submissions of the learned counsel for the petitioners that the dispute is purely civil in nature for which the criminal case is an abuse of the process of the Court.

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 trial court 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 trial court where the case is pending/successor court in connection with Rudrapur P.S. Case No. 75 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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