

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6737 of 2023

Arising Out of PS. Case No.-759 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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ARUNESHWAR KUMAR Son of Late Ram Swarath Prasad Resident of
Rajgir, P.O. and P.S.- Rajgir, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajiv Kumar Sinha Son of Late Suresh Kumar Verma Resident of Village-
Bhadauni, Panchmukhi Nagar, Near Shobh Mandir Nawada, P.S. and
District- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Amaresh Kumar Sinha, Advocate
	:	Mr. Nagadeo Choubey, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, A.P.P.
For the Complainant	:	Mr. Abhishek Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 24-05-2023 Heard learned Senior counsel for the petitioner

Mr. Yogesh Chandra Verma assisted by Mr. Amresh Kumar

Sinha, learned counsel for the complainant Mr. Abhishek

Anand and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406,

465, 420, 506 and 504 of the Indian Penal Code.

Learned Senior counsel for the petitioner submits

that the petitioner is a person with clean antecedent. The

learned Senior counsel for the petitioner at the outset



submits that the dispute is purely civil in nature, it is further submitted that the case of the complainant is that the sale deed which was executed was with respect to a land for which the agreement for sale was not entered into rather the complainant was duped by showing a map of a land which was not sold ultimately, it is further submitted that allegations are in realm of allegation and it is the case of the petitioner that the land which was sold was in accordance with the agreement for sale which was entered in between the parties.

The learned Senior counsel next submits that the petitioner subsequently has also filed a Money Suit No. 27 of 2021 pending in the Court of Civil Judge Senior Division-I, Biharsharif, Nalanda, it is further submitted that in the said Money Suit the present petitioner has not been impleaded as a party respondent. The learned Senior counsel makes an interesting submission and submits that in the event, if the Money Suit fails then the entire allegation as alleged in the present FIR becomes redundant and in the event, if the Money Suit succeeds, the complainant retrieves the amount lost, it is thus submitted that had the informant



been aggrieved by the present petitioner then he would have impleaded him as a party respondent in the Money Suit also. It is also submitted that petitioner and the respondent of the Money Suit are own brothers. It is next submitted at the cost of repetition that the dispute involved in the present case is purely civil for which a money suit has also been filed by the complainant and that is legal remedy which the complainant had resorted in accordance with law.

Learned A.P.P. for the State and learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned Senior counsel for the petitioner that the Money Suit has been filed by the complainant in which petitioner is not added as a party respondent and in the event, if the Money Suit fails then automatically the allegations as alleged in the FIR becomes redundant.

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 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) 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 Complaint Case No. 759 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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