

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13247 of 2023**

Arising Out of PS. Case No.-314 Year-2020 Thana- WARISLIGANJ District- Nawada

Mahesh Yadav @ Maho Yadav Son Of Kashi Gop Resident Of Ward No.-19,
Balawapar, Warisaliganj, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suryakant Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

For the Informant Mr. Durgesh Nandan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 08-08-2023 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 419/406 of the Indian Penal Code.

3. As per FIR, the informant gave Rs. 11 lakhs to the petitioner for purchasing land but after taking money, he is not willing to sell the land to the informant rather he has sold it to another persons on the basis of forged Kewala.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the subject matter of the FIR is



purely a civil matter in which criminal case is not maintainable. He submits that the petitioner has not received money from the informant. He submits that subject matter of the FIR is related to specific performance of contract for which informant has remedy under Specific Relief Act, 1963 but instead of filing a suit for specific performance of contract, the informant has lodged FIR instituting the present case which cannot be appreciated. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposing the prayer for bail submit that the agreement was made in between the parties for selling the land. It is submitted that in pursuance of the said agreement, the deponent paid Rs. 5 lakhs to the petitioner and subsequently this deponent paid the rest amount of Rs. 6 lakhs to the son of the petitioner on 20.10.2019 and 05.11.2019 respectively. After payment of the entire amount, the deponent made request to the petitioner for executing the sale deed but he did not do the same.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his



prayer for anticipatory bail is rejected in connection with
Warisaliganj P.S. Case No. 314 of 2020.

(Anjani Kumar Sharan, J)

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