

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13068 of 2023

Arising Out of PS. Case No.-251 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SANJAY KUMAR Son of Late Satyendra Kumar R/v- Tarwan, P.S.-
Naubatpur, District- Patna at present residing at Mohalla Jagat Narain Road,
Opposite Patliputra Inter High School, Kadamkuan, P.S.- Kadamkuan,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Brajesh Kumar Son of Late Awadesh Prasad Sharma R/o Jagat Narayn
Road, Opposite Patliputra Inter High School, Mohalla-Kadamkuan, P.S.-
Kadamkuan, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 251(C) of 2021, registered
for the offence punishable under Sections 406 and 420 of the
Indian Penal Code.

The allegation is regarding an agreement having been
executed by the petitioner and his brother on 25.5.2017, jointly
with the complainant, for construction of the road in question,
which was to be used jointly by them and in lieu thereof, it was
agreed that the complainant would give 2 kathas of land to the



petitioner and his brother, whereafter the complainant is stated to have given 2 kathas of land to the petitioner and his brother, however they started creating impediment in construction and use of the road by the complainant.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the dispute in question is purely in the nature of civil dispute and even if there has been any violation of the terms and conditions of the agreement, the remedy lies before a Civil Court of competent jurisdiction, where the complainant can seek specific performance of the agreement in question, however, no criminal offence is made out.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the dispute in question is purely in the nature of civil dispute, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Danapur, Patna, in connection with Complaint Case No. 251(C) of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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