

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15088 of 2023

Arising Out of PS. Case No.-1629 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Bal Krishna Prtitam @ Banarsi @ Banshi Ji @ Bal Krishna Pritam @ Bal Krishna Priyatam, Son Of Ramanuj Prasad Singh R/V- Mirzapur Chand, P.S- Barauni, Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandra Prakash Singh, Son of Ramsohan Singh R/V- Keshave, P.S- Barauni, Dist- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar
For the State	:	Mr. Humayou Ahmad Khan
For the Complainant	:	Mr. Mritunjay Kumar
		Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the complainant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 323,, 341, 504, 420 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the complainant alleges that he negotiated with petitioner for purchasing of 16 katthas of land along with B.P.C.L. Petrol Pump for Rs.1,20,00,000/- and the amount was paid in the current account of the petitioner. Thereafter, petitioner disclosed that the petrol



pump cannot be sold to anyone, who does not have experience, thereafter, executed an agreement dated 23.12.2020 and handed over the business of petrol pump to the complainant. It is next alleged that after one year of experience, the complainant requested to execute the sale deed of the land or to return his money. On this, the petitioner along with other accused persons came and assaulted him as complainant had issued legal notice to him. Further, Prabhat took out Rs.25,000/- from his pocket.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that by no stretch of imagination, it can be construed that for Rs.1,20,00,000/-, 16 katthas of land along with the business of the petrol pump would have been sold by the petitioner in favour of the complainant. It is next submitted that the agreement was purely a business agreement and the amount was also not paid in one go rather the same was paid within a period of three years and the amount was credited in the current account of the business in favour of the B.P.C.L. It is next submitted that allegation of assault and taking out money from the pocket of the complainant is ornamental in nature. It is further submitted that complainant has already filed a Money Suit, being Title Suit No.133 of 2022.



5. The learned counsel next submits that petitioner will contest the money suit and in the event, if he loses, he will face the consequences, but in the event, if the complainant is not able to prove his case before the learned trial Court in the aforesaid Title Suit, then what will happen. It is thus submitted that the present complaint is nothing, but an abuse of the process of the Court and has been instituted with a view to coerce the petitioner into submission, so that he parts with the money under fear of police.

6. The learned A.P.P. along with learned counsel for the complainant opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that in the event, if he loses the money suit, he will face the consequences, but if the complainant is not able to prove the case before the learned trial in the Title Suit, then what will happen.

7. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Miss Ruby Kumari, learned J. M., 1st Class,
Begusarai in connection with Complaint Case No.1629C of
2021, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

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