

Arising Out of PS. Case No.-1014 Year-2014 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

... .. Petitioner/s

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Rama Kant Singh
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

9 25-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with the learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 and 120B of the Indian Penal Code.

3. The complainant alleges that the petitioner finalized sale of 25 decimals of his land for Rs. 25 lacs with the complainant and received an amount of Rs. 6,50,000/- by way of advance on 20.02.2014 and the rest amount was to be paid on 19.02.2015, it is further alleged that the complainant came to know that co-accused Krishna had already sold 18 decimals of land on 18.08.2005 to one Saroj Devi thus alleges that the petitioner was left with only 7 decimals of land but he entered into an agreement for selling 25 decimals of land and thus the



complainant was cheated, further, the petitioner is not even willing to return the amount received by way of advance.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the complainant alleges that he gave an amount of Rs. 6,50,000/- to the petitioner by way of advance in pursuance of an agreement, it is next submitted that the dispute is purely civil and if the agreement could not be acted upon then the complainant has remedies available in law, it is also submitted that the complainant has already filed a title suit No. 281 of 2014 which is pending in the Court of Learned Sub-Judge First, Jehanabad for obtaining a decree of specific performance of contract directing the petitioner to execute a registered sale deed after realizing rest consideration for an area of 7 decimals of land out of 25 decimals.

6. Learned counsel for the petitioner submits that from perusal of the prayer in the title suit, it would manifest that the complainant himself now intends to purchase only 7



decimals of land and thus the present case has been instituted with exaggerated allegation.

7. Learned A.P.P. for the State along with the learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submissions of the learned counsel for the petitioner that already a title suit as recorded hereinabove has been filed on behalf of the complainant.

8. 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. 1014 of 2014 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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