

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53497 of 2023

Arising Out of PS. Case No.-90 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Pintu Singh Son Of Kishori Singh Resident Of Mohalla- 70C Road Baban Gachhi Salkiya Howrah, Ps- Lilua, Distt- Howrah
 2. Sintu Singh Son Of Kishori Singh Resident Of Mohalla- 70C Road Baban Gachhi Salkiya Howrah, Ps- Lilua, Distt- Howrah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajkumar Singh Na Resident Of Village- Kurmawan, PS- Barachatti, Distt- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-08-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No.90 of 2018, registered for offences under Section 420 of the Indian Penal Code.

The allegation is regarding the complainant, who is the President of Durga Puja Samiti of his village, having entered into an agreement with the petitioners on 15.08.2017, for purchase of land admeasuring 3 decimal, however despite giving a sum of Rs.3 lacs to the petitioner no.1, the sale deed was not executed and instead



the same was executed in favour of the co-accused person, namely, Deochand Sharma.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the dispute in question is purely in the nature of civil dispute and in connection with the same one title suit bearing Title Suit No.149 of 2018 has already been filed by the complainant, which is pending adjudication before the learned Civil Court, Gaya, hence no criminal offence is made out qua the petitioners herein.

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 parties and 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, apart from the fact that the petitioners



are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of A.C.J.M., Sherghati, Gaya, in connection with Complaint Case No.90 of 2018, 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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