

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55953 of 2022

Arising Out of PS. Case No.-337 Year-2022 Thana- MADHEPURA District- Madhepura

KARTIK BISWAS S/O LATE BINDESHWARI BISWAS Resident of
Village- Tuniyahi, Ward No.- 04, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 9 28-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with the learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 504, 506 of the Indian Penal Code.
3. The informant alleges that his son Pankaj Kumar intended to purchased a piece of land from Chandrika Devi for a consideration of Rs. 4 lacs out of which Rs. 2 lacs was credited in the account of the petitioner being son of Chandrika Devi but, thereafter, the accused persons including the petitioner refused to execute the sale deed in favour of the informant's son.
4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.



5. Learned counsel for the petitioner submits that a civil dispute has been given a criminal colour, it is next submitted that an agreement was entered in between the son of the informant and the mother of the petitioner for a piece of land for a total consideration of Rs. 18 lacs but since the entire consideration was not paid in time, as such, the land was registered in favour of another person, it is further submitted that if the informant is aggrieved by the act of the petitioner and his mother then he had remedies available in law for getting the agreement executed through process of Court but then instituting an FIR for coercing the petitioner into submission to part with money is completely unwarranted. It is next submitted that if the informant is able to prove his case before a Court of competent jurisdiction then the petitioner and his mother will suffer the consequences.

6. Learned A.P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the dispute involved is civil in nature to which a criminal colour has been given and if the informant is aggrieved by the act of the petitioner and his mother in breaching the agreement then he has



remedies available in law.

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 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 Madhepura P.S. Case No. 337 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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