

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58558 of 2022

Arising Out of PS. Case No.-620 Year-2021 Thana- BHAGWAN BAZAR District- Saran

SURESH KUMAR VERMA Son of Ramji Prasad Verma Resident of Village-
Daudpur Chatti, P.S.- Daudpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maheshwar Prasad, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-02-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Bhagwan Bazar PS case no. 620 of 2021 instituted for the offences
punishable under Sections 406, 420, 120(B), 503 of the Indian Penal
Code.

The case of the prosecution in brief, according to the
informant, is that the accused persons including the petitioner herein,
who works as a property dealer, had contacted the informant and her
husband and had promised to sell a piece of land for a sum of Rs.
20,50,000/-, whereupon the informant and her husband had
transferred certain sums of money in the account of the accused
persons including the petitioner herein, however, the sale deed of the
land in question was not executed in favour of the petitioner.

The learned counsel for the petitioner submits that



the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 29.07.2022. The learned counsel for the petitioner, by referring to paragraph no. 6 of the case diary, has further submitted that the land *qua* which, sale deed was to be executed by the accused persons is the one pertaining to Khata no. 104, Survey no. 406 admeasuring 700 Sq.ft. situated at New Narayanpur Colony, Paragana- Manjhi, PS-Bhagwan Bazar, District- Saran at Chapra and the said land has been sold vide a registered sale deed, which is annexed as Annexure-4 to the present petition by the mother of the accused no. 1 namely Ranjan Kumar in favour of the father of the informant, whereafter dispute has arisen in between the informant and his father and the resultant consequence is being borne by the accused persons, although they have no complicity in the alleged occurrence. It is also submitted that the dispute in question is purely civil in nature, for which, appropriate remedy lies before the competent civil court having appropriate jurisdiction.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the land which was promised to sell to the informant is not the one pertaining to which, the sale deed in question has been executed by the mother of the accused no. 1 in favour of the father of the informant apart from the fact that if at all, the sale deed had to be executed, it had



to be executed in the name of the informant.

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 fact that the dispute in question is purely in the nature of civil dispute, for which, remedy is not criminal prosecution, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. 1-cum-Sub Judge, Saran, Chapra in connection with Bhagwan Bazar PS case no. 620 of 2021.

(Mohit Kumar Shah, J)

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