

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65483 of 2022

Arising Out of PS. Case No.-542 Year-2022 Thana- DANAPUR District- Patna

SUBH NARAYAN MISHRA Son of Late Pankhi Mishra Resident of Village-
Beyali Dashodhi, P.S.- Kateya, District- Gopalgan at present residing of
Raghubanshi Nagar, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar Neeraj Son of Sri Jata Shankar Mishra Resident of 203 Ganga
Complex Main Road, Kankarbagh, P.S.- Kankarbagh, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate.
For the Opposite Party/s : Mr.Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 17-05-2023 Heard the parties.

2. The petitioner seeks pre-arrest bail in connection with Danapur P.S. Case No. 542 of 2022 registered for the offence punishable under Sections 467, 468, 471, 504, 506, 420 and 406/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., an agreement was executed between the petitioner and the informant as the informant wanted to sell his property situated on Khata No. 62, Survey Plot No. 54, Jamabandi Number 4606, Mauja – Sikandarpur, Pargana – Phulwari measuring 1361.26 square feet. As per the agreement, total value of the property was fixed Rs. 1, 12,50000/- (Rupees one crore twelve lakhs and



fifty thousand), out of which, the informant paid Rs. 27,50,000/- to the petitioner who is the vender and thereafter for non-registering the property as per the unregistered agreement, the present F.I.R. has been lodged against the petitioner who is the original land owner.

4. Learned counsel appearing on behalf of the informant submits that the informant has made transaction of the consideration amount in terms of the sale agreement entered into between the parties. He admits that the said agreement has not been registered.

5. Having considered the rival submissions made by the parties, the fact which has been admitted by the respective parties is that the informant has paid a total amount of Rs.27,50,000/- to the petitioner. No dispute has been made with respect to the total consideration value of the property which is situated in Khata No. 62, Survey Plot No. 54, Jamabandi Number 4606, Mauja – Sikandarpur, Pargana – Phulwari measuring 1361.26 square feet. The informant has admittedly signed the said agreement in presence of the witness. Though the said agreement is unregistered, however the same can be taken as evidence. The petitioner may deposit the rest amount as claimed by the complainant / Informant or file an affidavit.



Parties have remedy before the competent civil court by filing appropriate suit.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 542 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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