

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70496 of 2023

Arising Out of PS. Case No.-524 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Nawal Kishore Chaudhary, (male), aged about 57 years, son of late Bindeshwari Prasad Chaudhary,
 2. Nikhil Kumar, (male), aged about 29 years, son of Nawal Kishore Chaudhary,
Both resident of Mohalla- Attullahpur, Post and P.S.- Lalganj, District-
Vaishali, at Present residing at Mohalla- Bankers Colony, P.S.- Mithanpura,
District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fakira Prasad Sah, son of late Bulkan Sah, resident of mohalla- Attullahpur,
Post and P.S. - Lalganj, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No.524 of 2021 dated 04.03.2021, instituted
under Sections 406 and 420 of the Indian Penal Code.

3. The complainant has alleged that the accused no. 1,
Nawal Kishore Singh got a plot in partition having area of 9.5
decimals. The accused was in need of money and agreed to sale
the same to the complainant upon consideration money of
rupees ten lakh. The complainant paid the said money in the



year 2012 and agreement was prepared on 31.03.2019. Due to rise in the price of land, the accused delayed the execution of the sale deed. Thereafter, the petitioners send him a notice with cheque of Rs.10 lakh and Rs. 3 Lakh towards principal and interest amount. Thereafter, the petitioners sold the land to another person.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that in the complaint it is alleged that the petitioner no. 1 after receiving the consideration amount did not execute the sale deed in favour of the complainant in terms of the agreement dated 31.03.2019. It is further submitted that the present case is purely a civil dispute and the criminal court is not the appropriate forum for adjudication of the said dispute. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned ACJM, 9th, Vaishali at Hajipur, in Complaint Case No.524 of 2021.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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