

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8894 of 2024

Arising Out of PS. Case No.-594 Year-2023 Thana- DANAPUR District- Patna

SUNITA DEVI W/O SHRAVAN KUMAR R/O VILLAGE- SIMRA, P.S- JA-
NIPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. K. Lal, Advocate.
		Mr. Pramod Kumar, Advocate.
For the Opposite Party/s:		Mr. Murli Dhar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 Heard Mr. S. K. Lal, learned counsel along with Mr. Pramod Kumar, learned counsel appearing on behalf of the petitioner and Mr. Murli Dhar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Danapur P.S. Case No. 594 of 2023 registered for the offence punishable under Sections 420 and 406 of the Indian Penal Code.

3. Mr. S. K. Lal, learned counsel appearing on behalf of the petitioner, at the outset, submits that due to inadvertence, the sale deed dated 23.03.2012 has been brought on record and the same may be ignored.

4. Considering the submission and information give on behalf of the petitioner, the sale deed dated 23.03.2012 which has been brought on record due to inadvertence is ignored.



5. As per the allegation made in the F.I.R., the informant claims that as per the agreement dated 13.08.2021, the petitioner had agreed to execute a sale deed by receiving consideration amount for a piece of land appertaining to Thana No. 54, Tauzi No. 5769, Khata No. 109, Survey Plot No. 162 situated at Danapur.

6. Learned counsel appearing on behalf of the petitioner submits that the dispute is civil in nature and the petitioner cannot be faulted for not having executed the sale deed in favour of the informant because as per the terms and conditions of the sale deed, the sale deed was to be executed within the stipulated period of time. However, for non-compliance in making payment of entire consideration amount, petitioner cannot be said that she has committed forgery with the informant. Learned counsel, however, submits that the petitioner has shown her desire that she will settle the dispute amicably with the informant by returning entire disputed amount which has been received by her well within a period of six months.

7. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

8. Considering the nature of allegation made in the



F.I.R. as well as matter being purely civil in nature for execution of a sale deed, the parties have remedy before the competent Civil Court for specific performance of contract, however, considering the desire of the petitioner that she will try to settle the dispute amicably by returning the disputed amount on agreed terms, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of her 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 ACJM-I, Danapur in connection with Danapur P.S. Case No. 594 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The District Court is directed to summon the informant so that both the parties may settle the dispute within a period of six months. In case the parties don't arrive to settle the dispute within the said period, they may resort to appropriate remedy in accordance with law.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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