

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20834 of 2024

Arising Out of PS. Case No.-981 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Kunal Jain Son Of Late Sudhir Kumar Jain Resident Of Mohalla - Lal Bahadur Shastri Pati, P.S. - Kotwali, District - Gaya, Present Residing At 38/148 Kiran Path Mansarowar Jaipur Rajasthan Pin 302020
 2. Mukesh Kumar Jain @ Mukesh Jain Son Of Mahendra Kumar Jain Resident Of Mohalla - Lal Bahadur Shastri Pati, P.S. - Kotwali, District - Gaya, Present Residing At 38/148 Kiran Path Mansarowar Jaipur Rajasthan Pin 302020
 3. Vikash Jain Son Of Mahendra Kumar Jain Resident Of Mohalla - Lal Bahadur Shastri Pati, P.S. - Kotwali, District - Gaya, Present Residing At 38/148 Kiran Path Mansarowar Jaipur Rajasthan Pin 302020

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jay Kumar Soni Son Of Late Bhagwan Prasad Resident Of Mohalla - Malgodam, Shankar Sonar Gali, P.S. - Kotwali, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mrs. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 981 of 2019 in which cognizance has been taken under Sections 420, 406, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners entered into an agreement with the complainant for selling a property at



the rate of Rs. 2,80,00000/- and the complainant made payment of Rs. 87 lacs on different dates. Later on the petitioners refused to transfer the property and did not return the money.

4. Learned senior counsel appearing for the petitioners submits that the present case is based on an agreement for sale for which the complainant has already filed Title Suit No. 175 of 2021 seeking a decree of specific performance of contract. Learned senior counsel further submits that lodging of a criminal case for enforcing a civil right is itself wrong and prior to lodging of the present case, the complainant has lodged Kotwali P.S. Case No. 414 of 2018 against the family members of the petitioners with same allegations. From the cases registered by the complainant, it is apparent that the complainant made part payment of the sale amount and now trying to grab the property without making any further payment. The petitioners are having no criminal history.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and considering the civil nature of dispute for which already a suit for specific performance has been filed and further considering the possibility of false implication, let the



petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Gaya in connection with Complaint Case No. 981 of 2019 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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