

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21605 of 2024

Arising Out of PS. Case No.-1166 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Shailesh Kumar Pandey S/o Satruhan Pandey R/o Village and Post -
Shyamppur, P.S. - Mahammadpur, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gouri Shankar Tiwari S/o Late Jaleshwar Tiwari R/o Village and Post -
Shyamppur, P.S. - Mahammadpur, District - Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dharmveer Jha, Advocate
For the Opposite Party/s :	Mr. Arvind Kumar Pandey (APP.84)
	Mr. Uday Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a complaint case punishable for the offence under Sections 420, 406, 467, 468, 120(B)/34 of the Indian Penal Code.

3. As per prosecution case, this petitioner agreed to sale the land to complainant / opposite party no. 2 and pursuant to oral agreement, petitioner and co-accused Shatrughan Pandey were paid Rs. 7,00,000/- (Seven lacs), as consideration money, but despite receiving consideration money in advance, they did not execute the sale deed in favour of complainant/opposite party no. 2 and also refused to return the amount.



4. Learned counsel for the petitioner submits that dispute involved in the complaint petition is of civil nature and none of the acts allegedly committed by the petitioners gives rise to any criminal liability. It is out-and-out a civil dispute, for which, complainant has got some other remedy. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - II, Gopalganj in connection with Complaint Case No. 1166 of 2022, Tr. No. 2159 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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