

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21980 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Kumar Ajit Prasad Singh S/o Late Harekrishna Singh RESIDENT OF
VILLAGE TAKUATAND PS RAJAULI DISTRICT NAWADA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Kumar S/o Rajendra Singh R/o vill - Rajauli, P.S. - Rajauli, Distt. -
Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Soni Srivastava, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP
For the informant	:	Mr. Pramod Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-07-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 420, 467, 468, 471, 406 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that despite receiving part of the consideration money, petitioner refused to execute the sale deed in favour of complainant.

4. Learned counsel for the petitioner submits that in this case, there is dispute with regard to sale and purchase of land between the parties. None of the acts allegedly committed by this petitioner gave rise to criminal liability. As per the agreement between the petitioner and complainant, complainant has to purchase above-said lands from the petitioner for consideration amount of Rs. 2 crores. It was also stated in the agreement that the



complainant will pay Rs. 50 lakhs to the petitioner and rest of the amount will be paid later by 05.03.2023, upon which the sale deed will be executed. In the agreement, it was also mentioned that if the complainant fails to deposit the rest of the amount till 30.03.2023 then this agreement will stand cancelled and the deposit money will be forfeited. Since the complainant failed to deposit the rest amount within the aforesaid period as mentioned in Agreement, petitioner did not execute the land. As such, no offence is made out against the petitioner.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest or surrender within a period of six weeks from today, 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 Judicial Magistrate, Ist Class, Nawada, in connection with Complaint Case No. 806 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Singh, J)

