

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25425 of 2024

Arising Out of PS. Case No.-137 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Birja Ray @ Birja Prasad Son of Late Ram Dharan Ray Resident of Village-
Milkipur, Police Station- Bihta, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjay Kumar Son of Chandeshwar Prasad Resident of Village- Milkipur,
Police Station- Bihta, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Dhanendra Chaubey, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For Opposite Party No.2	:	Mr. Chandra Kant, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Section 420 of the Indian Penal Code.

3. As per prosecution case, this petitioner entered into an agreement on 13.12.2020 with the complainant to sell a land measuring 2 katha. However, it is alleged that despite receiving the consideration money of Rs. 3,75,000/-, this petitioner refused to execute the sale deed in favour of the complainant and also failed to return the aforesaid amount to the complainant.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that from bare perusal of the complaint petition it is apparent that the dispute involved in the present case relates to sale and purchase of land between the parties, which is purely civil in nature. It is further submitted that even if the entire allegations in the complaint petition are taken to be true, no offence of cheating or breach of agreement is made out against this petitioner. Moreover, the complainant has got alternative remedy. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that despite taking consideration money amounting to Rs. 3,75,000/-, this petitioner did not execute the sale deed in favour of the complainant/Opposite Party No. 2 and also refused to return the money.

6. Considering the aforesaid facts and circumstances, nature of dispute and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender 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 Judicial Magistrate, First Class, Danapur, in connection with Complaint Case No. 137(C) of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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