

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29636 of 2024

Arising Out of PS. Case No.-723 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Ram Awadh Singh S/O Late Balrup Singh R/O Village- Parashatampur, P.S-
Natwar, Distt.- Rohtas. Presently Residing At Village- Belwaiya, P.S-
Dinara, Distt.- Rohtas.
 2. Satyendra Kumar S/O Ram Awadh Singh R/O Village- Parashatampur, P.S-
Natwar, Distt.- Rohtas. Presently Residing At Village- Belwaiya, P.S-
Dinara, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baban Singh, S/o Mundrika Singh, R/o Village Thumbra, P.O. Ramdihara,
P.S. Rohtas, District Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s :	Mr. Ahmad Ali, APP
	Mr. Jitendra Pd. Singh, Advocate
	Mr. Abhishek, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-08-2024 Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel for the opp. party no. 2.

2. Petitioners apprehend their arrest in a complaint
case punishable for offence under Sections 420, 406, 34 of IPC.

3. As per prosecution case, this petitioners entered
into an agreement with the complainant for sale of property. In
terms of agreement, petitioners were paid Rs. 5 crores 10 lacs,
but despite receiving consideration money in advance, the
petitioners refused to execute the sale deed in favour of
complainant/opposite party no. 2 and also failed to return the



amount.

4. Learned counsel for the petitioners submits that for the same set of allegation, the complainant has already filed a case, vide Dinara P.S. Case No. 534 of 2022 against petitioners and other family members, in which, petitioners have already been granted bail by the learned Court below itself, vide order dated 24.02.2023 and 13.06.2023 respectively (Annexure P/3). Learned counsel further submits that in this context, opposite party no. 2 has also filed a title suit, vide T.S. No. 545 of 2023 in the Court of learned Sub-Judge I, Bikramganj, Rohtas (Annexure P/9 to the 2nd supplementary affidavit). The dispute involved in this complaint is purely of civil nature and it has been given the colour of criminal offence.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently opposed the prayer for anticipatory bail of petitioners and submitted that despite receiving consideration money in advance, neither the petitioners registered sale-deed in favour of opposite party no. 2 nor returned the alleged money.

6. Heard learned counsel for the parties. The dispute involved in the present complaint petition relates to sale and purchase of land, which is purely of a civil nature and none of



the acts allegedly committed by the petitioners would give rise to any criminal liability. Moreover, the complainant /opposite party no. 2 has already filed a title suit in the learned Court below, vide Annexure P/9 to the supplementary affidavit.

7. Accordingly, in the event of arrest/surrender before the Court below within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - II, Bikramganj, District - Rohtas in connection with Complaint Case No. 723 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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