

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34941 of 2024

Arising Out of PS. Case No.-3838 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

Ashwani Kumar Singh @ Ashwini Kumar Singh Son Of Late Haridayal Krishna Building, 2nd Floor, S.P. Verma Road, P.S. - Gandhi Maidan, District - Patna, Bihar - 800001. Present Address At Ashwani Kumar Singh @ Ashwini Kumar Singh, Son Of Late Haridayal, Ashwani Public School, Nh-98, Sunder Nager, Bhusaula, Danapur, Pos - Mubarakpur, P.S. - Phulwari Sharif, District - Patna, Bihar - 800020

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vijay Prasad Son Of Shri Kedar Prasad Residence Of Road No. 21, Rajeev Nagar, P.S. - Rajeev Nagar, District - Patna, Pin - 800024

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-09-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the complainant / opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint case punishable for the offences under Sections 420, 120(B), 406, 506 of the Indian Penal Code.

3. It is alleged that this petitioner, after receiving consideration money of Rs. 1,50,000/- in advance, executed the sale deed in favour of complainant/opposite party no. 2, but did not hand over the possession of the land in question to the complainant.

4. Learned counsel for the petitioner submits that



from bare perusal of the complaint petition, it is apparent that sale-deed was executed in favour of the complainant after receiving the consideration money. Moreover, the dispute involved in the complaint petition is purely of civil nature and none of the acts allegedly committed by the petitioner give rise to any criminal liability. It is out-and-out a civil dispute, for which, complainant has got some other remedy.

5. Learned A.P.P. for the State and learned counsel for the opposite party-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 eight 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 1st Class, Patna in connection with Complaint Case No. 3838 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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