

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39404 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- DEHRI TOWN District- Rohtas

Dinesh Singh, aged about 56 years, Male, son of late Raghubar Singh, R/O
Village- Jorawarpur, P.S.- Akorigola, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Chote Lal Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner; learned
Additional Public Prosecutor for the State and learned counsel
for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with
Dehri Nagar (Indrapuri OP) PS Case No.264 of 2023 dated
14.04.2023, instituted under Sections 420, 406, 467, 468, 471,
472, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that there was a
negotiation between the informant and the petitioner for sale of
land situated at Jorawarpur and for this the informant gave
rupees fifteen lakhs in cash to the petitioner and the petitioner
after receiving the cash told to the informant that the land is
shown as government land and assured the informant that he



will execute the deed after getting the Khatian corrected. The petitioner again demanded rupees two lakhs from the informant for the purpose of filing of title suit and assured that he will execute the sale deed upon deciding the title suit. When the title suit was decided, the petitioner did not become ready to execute the sale deed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that the allegation of receiving rupees fifteen lakhs and two lakhs are false and concocted. There is no evidence to show that the said amount was received by the petitioner or there was any agreement with regard to sale of the said land. The agreement dated 21.10.2021, which is the part of the FIR, shows that Ganesh Singh (informant) purchased 14 decimals of land from the petitioner in the year 2011 bearing Plot No.98 and RS Khata no. 95, Plot no.625. Due to wrong entry of the name of Bihar Sarkar, registry of the said land could not be made in favour of Ganesh Sah. The said document shows that rupees five lakh has already been returned to the informant. Learned counsel further submits that the dispute between the parties is purely civil in nature. Learned counsel further submitted that the occurrence has taken place from 01.11.2011



to 11.12.2011, but the complaint was firstly filed on 24.03.2023 i.e., after twelve years of the occurrence. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail. Learned counsel for the informant submitted that the petitioner has received rupees seventeen lakhs in lieu of executing sale deed but till date the petitioner has neither returned the amount nor executed the sale deed.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Dehri-on-Sone, Rohtas at Sasaram, in Dehri Nagar (Indrapuri OP) PS Case No.264 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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