

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40870 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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RAGHVENDRA MISHRA S/O LATE DEEP NARAYAN MISHRA
RESIDENT OF VILLAGE UDAKISHUNGANJ, WARD NO 4, WEST
BRAHMIN TOLA, P.S.- UDAKISHUNGANJ, DIST- MADHEPURA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KARN KUMAR MISHRA @ TIPU MISHRA SON OF LATE JAWAHAR
MISHRA VILLAGE- UDAKISHUNGANJ, WARD NO. 4, PO-
UDAKISHUNGANJ, PS- UDAKISHUNGANJ, DIST- MADHEPURA

... .. Opposite Party/s

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Appearance :
For the Petitioner : Mr. Pranav Kumar Jha, Advocate
For the State : Ms. Sharda Kumari, APP
For Opposite Party No.2 : Mr. Krishna Kant Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2024 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. Prosecution case in brief is that despite receiving
consideration money of Rs. 6,00,000/-, pursuant to an
agreement for sale of property, this petitioner refused to execute
the sale deed in favour of the informant and also failed to return
the aforesaid amount.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that from bare perusal of the F.I.R. 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.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of informant/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. 6,00,000/-, this petitioner did not execute the sale deed in favour of the informant/Opposite Party No. 2 and also refused to return the money.

6. Considering the aforesaid facts and circumstances and nature of dispute, 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 A.C.J.M. 1st, Udakishunganj, District-Madhepura, in connection with Udakishunganj P.S. Case No. 400 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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