

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40826 of 2024

Arising Out of PS. Case No.-384 Year-2023 Thana- DIGHA District- Patna

Vishant Kumar Son of Gajendra Singh R/o Vill.- Hathiyakandh, P.S.- Shahpur, Dist.- Patna, At present resident of Moh.- House No.- 61, Krishi Anusandhan Kendra, Bhupatipur, P.S.- Beur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

3. It is alleged that despite taking consideration money from the informant in advance, this petitioner refused to execute the sale deed and did not return the money to the informant.

4. Learned counsel for the petitioner submits that there is dispute regarding sale and purchase of land between the parties which is predominantly civil in nature. No acts, as mentioned in the F.I.R., allegedly committed by the petitioner, give rise to any criminal liability. He next submits that



informant has already filed a case bearing Title Suit No. 97/21 under the Specific Performance of Contract Act which is pending before the court below and he has tried to give criminal colour to the dispute of civil nature. Petitioner claims clean antecedent.

5. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Additional Chief Judicial Magistrate-XIII, Patna in connection with Digha P. S. Case No. 384 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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