

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43207 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Sidhnath Singh S/o Late Sagar Singh @ Ram Sagar Singh R/o Vill -
Vikrampur, P.S. - Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalbahadur Singh S/o Late Satyadev Singh R/o Khijipur, Vikrampur, P.S. -
Fatuha, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dinkar Kumar, Advocate Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Mr. Raghu Raj Pratap, Advocate Mr. Apunu Harsh, Advocate Mr. Sujit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 220-07-2024
1. Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the informant has
appeared *suo-motu*.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint case no. 11 of 2023 registered under sections
420, 406, 323 and 506 of the Indian Penal Code.

3. As per the prosecution case, the complainant states
that inspite of having been given Rs. 8 lakhs out of the total
consideration amount of Rs. 9.86 lakhs and the complainant
being ready to pay the balance amount, the accused petitioner is



neither executing the sale deed nor returning the amount with respect to the land in question. Hence, this case.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Neither any agreement was entered into nor any amount paid by the complainant nor received by the petitioner. It is further submitted that the complainant has also filed Title suit no. 296 of 2023, which is pending in the Court of learned Sub-Judge Ist, Patna City, Patna praying therein for decree for specific performance of contract against the defendant (petitioner herein) with respect to the land in question, which is the subject matter of the instant complaint. The petitioner has no criminal antecedent.

5. The application for bail is opposed by the learned A.P.P. for the State and learned counsel for the informant. The learned counsel for the informant submits that there is direct allegation in the complaint against the petitioner. Cognizance has been taken in the learned Court below under section 420 of the Indian Penal Code besides other sections. Though it may not be in dispute that a title suit has been filed by the complainant in the trial Court, however at the same time both the Title suit as also the criminal proceeding can very well continue against the



petitioner. As such, it is prayed that the application for bail be rejected.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the complaint, the pendency of the title suit in the learned Court below and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 11 of 2023 , Patna on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class-cum-AM, Patna City, Patna.

7. It is further directed that the petitioner having come to know about the pendency of the Title suit no. 296 of 2023, pending in the Court of learned Sub-Judge Ist, Patna City, Patna, the petitioner who is the defendant in the said title suit shall appear in the same within a period of two weeks from today.

(Partha Sarthy, J)

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