

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44003 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. RAKESH KUMAR S/O JOKHU SAHNI R/O BAIRGANIYA WARD NO.11, P.S- BAIRGANIYA, DIST.- SITAMARHI.
 2. ASHOK SAHNI @ ASHOK KUMAR S/O SITARAM SAHNI R/O BAIRGANIYA WARD NO.11, P.S- BAIRGANIYA, DIST.- SITAMARHI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. JULFEKAR JAIFI S/O ABDUL GAFFAR R/O JOHIRIYAH, WARD NO.3, P.S- BAIRGANIYA, DISTT.- SITAMARHI.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 406 and 420 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the complainant with an allegation that petitioner no. 1 had approached him requesting to purchase his land for a consideration of Rs.5 lakhs out of which it is alleged that Rs.2.51 lakhs was given as he required the money for his business. It is next alleged that thereafter an



agreement to sale was also executed but despite passage of one month the sale deed was not executed and when the complainant went to seek his money he was abused and assaulted.

4. Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is further submitted that the complaint does not disclose the details of the land nor discloses that how the money was paid. It is next submitted that since the complainant alleges that an agreement for sale was entered in between him and the petitioners as such if he is aggrieved for breach of the condition of the agreement in that event he has remedy available in law to approach the Court of competent civil jurisdiction.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with
Complaint Case No. C1 99 of 2023, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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