

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45253 of 2024

Arising Out of PS. Case No.-11458 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Ram Lakhan Singh S/O Late Abhiram Singh R/O Village-chilbili,P.S.-
Beur,Distt-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niraj Kumar Singh S/O Late Gopal Krishna Singh R/O MOhalla-House
no.336/356,New Punjabi Colony,Chitkohra Bazar,P.O.-Anisabad, P.S.-
Gardanibagh,Distt-Patna

... .. Opposite Party/s

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Appearance :
For the Petitioner : Ms. Usha Kumari Singh, Advocate
For the State : Mr. Mohammad Sufyan, APP
For Opposite Party No.2 : Mr. Kumar Shivam Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint
case registered for the offence punishable under Section 406 of
the Indian Penal Code.

3. As per prosecution case, despite receiving
consideration money of Rs. 30,00,000/- this petitioner refused to
execute the sale deed in favour of the complainant or refund the
money.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that from bare perusal of the complaint
petition it is apparent that dispute between the parties is of civil



nature. None of the acts allegedly committed by this petitioner would give rise to criminal liability. It is further submitted that, however, at this stage, without admitting his guilt, petitioner is ready to refund the disputed amount of Rs. 30,00,000/- (Rupees thirty lacs), in easy installments.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioner is allowed.

6. 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.-II, Patna, in connection with Complaint Case No. 11458 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 3,00,000/-** (Rupees three lacs) shall be paid to the complaint/Opposite Party No. 2 through demand draft.
- B. Rest amount i.e. **Rs. 27,00,000/-** (Rupees twenty seven lacs) shall be paid to the complaint/Opposite Party No.2 through demand draft in ten equal installments within a period of one year from the date of furnishing bail-bond.
- C. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.



7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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