

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44222 of 2024**

Arising Out of PS. Case No.-558 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

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Asha Devi W/o Indradeo Singh Resident of vill.- Shivpuri, P.s. Gardanibagh,  
Distt.Patna, Presently residing at Mohalla - Mitra Mandal Colony, Phase 2,  
P.O. - Anishabad, P.S. - Beur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Kumar S/o Vishwa Mohan Prasad Singh R/o vill - Dhandhana Chak,  
P.O. - Nisarpura, P.S. - Beur, Distt. - Patna

... .. Opposite Party/s

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**Appearance :**

|                            |                                  |
|----------------------------|----------------------------------|
| For the Petitioner/s :     | Mr. Sanjeev Kumar, Advocate      |
| For the Opposite Party/s : | Mr. Satya Nand Shukla, APP       |
|                            | Mr. Amresh Kumar Sinha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5. 03-09-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a complaint  
case punishable for the offence under Sections 406 / 417 / 420  
of the Indian Penal Code.

3. As per prosecution case, this petitioner received  
total five lacs money for execution of a property in favour of the  
complainant, but despite receiving consideration money in  
advance, he refused to execute the sale deed in favour of  
complainant/opposite party no. 2.

4. Learned counsel for the petitioner submits that



dispute is with regard to sale and purchase of land, which is purely of civil nature. Even if, entire complaint is taken to be true, it does not give rise to any criminal liability. However, at this stage, without admitting the allegation made in the complaint petition, petitioner is ready to deposit Rs. 2,50,000/- (Rupees two lacs fifty thousand) in the Nazarat of the Civil Court, which will be subject to final outcome of the case.

5. Learned counsel for opposite parties opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight 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. - X, Patna / Successor Court in connection with Complaint Case No. 558(C) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 2,50,000/-** (two lacs fifty thousand) in the *Nazarat* of Civil Court, Patna.

(B) The aforesaid payment shall be subject to final outcome of the case.



(C) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

7. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

**(Prabhat Kumar Singh, J)**

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