

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49885 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Krishna Kant Sharma Son of Late Dhudheshwar Singh R/o Village - Narhana,
P.S.- Maner, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Bharosh Yadav Son of Late Radhe Rai R/o Village - Karnapura, P.S.-
Naubatpur, District - Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Anil Kumar, Adv.

Mr. Rajesh Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for opp.party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 420, 406, 467,
468, 471, 120B, 323, 504, 34 of the Indian Penal Code.

3. It is alleged that despite receiving consideration
money of about Rupees three crores, the petitioner refused to
execute the sale deed in favour of complainant/opposite party
no. 2 and also failed to return the said amount.

4. Learned counsel for the petitioner submits that
neither any agreement for sale of any land has been entered into
in between the parties nor petitioner & his wife (Kamla Devi)



have received any consideration money from opposite party no. 2. Though, it is alleged in the complaint petition that cash of Rs. three crores was paid, which *prima facie* appears to be unbelievable since opposite party no. 2 has not shown any material of having been in possession of such huge cash. As a matter of fact, the opposite party no. 2, being the land grabber with clear intention to grab the land of petitioner and by building undue pressure, has lodged the instant complaint case. Moreover, the dispute is with regard to sale and purchase of land, which is purely of civil nature and none of the acts allegedly committed by the petitioner would give rise to any criminal liability. It is out-and-out a civil dispute, for which, complainant/opposite party no. 2 has got some other remedy. Wife of the petitioner namely Kamla Devi has already been granted anticipatory bail by this Court, vide order dated 11.09.2024 passed in Cr.Misc. No. 35305 of 2024.

5. Learned counsel for opposite party no. 2 vehemently opposes 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 Judicial Magistrate 1st Class, Danapur, Patna in connection with Complaint Case No. 149 (C) of 2022 subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

anay

U		T	
---	--	---	--

