

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45849 of 2023

Arising Out of PS. Case No.-324 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SURYADEO RAY @ SURAJDEO RAI son of Basudeo Rai Village- Mahavir
Dal Dharamshala Didarganj Ps- Didarganj Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar son of Permeshwar Yadav R/o- Didarganj Bari Sangat Ps-
Didarganj Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma

For the Opposite Party/s : Mr. Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 406/427 of the Indian
Penal Code.

3. The prosecution case, in brief, is that the petitioner along
with other co-accused executed an agreement with the
complainant to purchase a land at the rate of Rs.6,75,000/- per
katha for 9 katha 2 dhur and 7 dhrki of land. The petitioner in
installment paid Rs.31 lakh to the complainant and his brother.
Thereafter, co-accused nos.4 and 5 said that the land will be
registered in favour of them. The complainant registered 1



katha 15 dhur land in favour of accused nos.3 and 4 after receiving consideration amount of Rs.64,69,000/-. It is alleged that the whole consideration amount of Rs.64,69,000/- has been received by the petitioner but the petitioner is not ready to pay rest amount of Rs.33,69,000/-. It is further alleged that all the accused persons entered in his house abused the complainant and physically assaulted the complainant and his wife.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the complainant and his brother himself sold 5 katha and 15 dhurs land to other persons and make false allegation that this petitioner is instrumental in registration of the land and the complainant has dishonest intention to grab Rs.31,00,000/-. It is further submitted that moreover the dispute between the parties is civil in nature for which criminal prosecution has been launched. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case as well as the fact that the nature of the dispute is civil, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 C.A. Case No. 324 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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