

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48996 of 2024

Arising Out of PS. Case No.-399 Year-2021 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Mukesh Kumar Son of Late Bhola Singh Resident of Village- Anantpur, P.S.-
Okari, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Praveen Kumar, Son of Ramdeo Singh Resident of Vill- Salempur, P.S.-
Hulasganj, District- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate.

For the Opposite Party/s : Mr.Umanath Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-08-2024 Heard Mr. Sunil Kumar, learned counsel appearing on

behalf of the petitioner and Mr. Umanath Mishra, learned APP

for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 399 of 2021 registered for the offence
punishable under Section 406 of the Indian Penal Code.

3. At the outset, learned counsel appearing on behalf
of the petitioner seeks to correct the typographical mistake in
respect of certain amount which has been wrongly mentioned in
Para-4 of the bail application.

4. Permission is accorded.

5. As per the allegation made in the F.I.R., the



petitioner was in agreement with the complainant on the pretext to sell a piece of land appertaining to Khata No.52, Plot No. 140, 141 situated in village – Anantpur, District – Jehanabad at the agreed rate of Rs. 1, 00, 000/- (one lac) for 20 decimal and after taking consideration amount from the complainant, the petitioner failed to register the land as per the agreement. Thereafter, the present complaint has been filed against the petitioner.

6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has not entered into any agreement with the complainant. However, the petitioner has transacted a sum of Rs.2,20,000/- in the account of the mother of the complainant. The complainant has taken advantage of the said fact and has roped the petitioner in a false case for breach of trust and committing forgery. Learned counsel further submitted that the said amount was transferred in the account of the mother of the complainant who is the Krishi Salahkar and has been appointed on contractual basis by the Government. Learned counsel, however, has not been able to give information in respect of the piece of land appertaining to Khata No. 52, Plot No. 140, 141 situated in village – Anantpur, District – Jehanabad, as to whether the same belongs to the



petitioner. Learned counsel submits that he may be given liberty to produce khatiyani of aforesaid plot before the District Court. Learned counsel further submitted that this is one case in which the petitioner has been deceived by the complainant and to mount pressure upon him, the present compliant has been filed by him.

7. I find that the transaction, as per the allegation made in the complaint, is purely civil in nature and for the allegation made in the present complaint, the complainant has remedy before the competent Civil Court for specific performance of contract. I find it proper that the petitioner may produce a copy of the agreement which he has admitted to have executed along with the complainant in respect of the piece of land appertaining to Khata No.52, Plot No. 140, 141 situated in village – Anantpur, District – Jehanabad. The District Court in that respect may proceed to verify from the records as to whether the said plot belongs to the petitioner and also the transaction of Rs.2.20,000/- which was made in the account of the mother of the complainant who has not filed any complaint against the petitioner.

8. The District Court if finds that the entire record reveals that the plot belongs to the petitioner and the petitioner



has been deceived by the complainant, then in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Complaint Case No. 399 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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