

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58633 of 2023

Arising Out of PS. Case No.-5358 Year-2018 Thana- Patna Complaint Case District- Patna

Rahbar Abdin Son Of Shri Sarwar Abdin Resident Of Flat No 405
Pushpanjali Complex, Opposite Check Post, Boring Road, Ps- Sk. Puri, Dist-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharad Kumar Jha Son of Late Nirmal Chandra Jha, Resident of Plot No. 60,
I.R.S. Society, Abhay Khand- 2, Ghaziabad, Uttar Pradesh, Presently
Residing In Flat No. 305, Pushpanjali Apartment, Boring Road, Sri Krishan
Puri, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Alok Kumar Jha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-03-2024 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 5358 (c) of 2018, dated
14.12.2018, registered for the offences punishable u/s 420, 323,
504, 506 of the Indian Penal Code.

3. As per the prosecution case, an agreement was
signed between the complainant and Sandhya Sinha whereby
Flat No.305, Pusphanjali Complex, Boring Road, Patna was
agreed to be sold by Sandhya Sinha to the complainant at a
consideration amount of Rs.25,00,000/- in the year 2010. The
complainant paid Rs.33,95,000/- on different dates at the



instance of the petitioner but Sandhya Sinha did not register the said flat. She had given the land possession certificate. The complainant came to know that Sandhya Sinha died. The petitioner had already got the will of the said flat executed in his name and took the possession of the said flat. The basic telephone bill was in the name of the complainant. On 06.12.2018, when the complainant visited to the petitioner alongwith the witnesses, he was assaulted by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner have falsely been implicated in this case. The petitioner has thirteen criminal antecedent as stated in para 3 of the bail petition. It is further alleged that the complainant has never filed any suit for specific performance against late Sandhya Sinha during her lifetime which itself falsifies his claim of agreement for sale executed by her for the flat in question. It is further alleged that the dispute is of purely civil nature as the allegations levelled are solely on account of non-execution of sale deed for the flat in question by late Sandhya Sinha (mother-in-law of the petitioner) despite payment of sale consideration in excess to what was agreed upon. It is further alleged that the complaint case in question has been filed on 14.12.2018 after the two criminal cases and the eviction suit as



well as probate case filed by the petitioner. It is further alleged that the petitioner is not a signatory to the agreement to sale in question nor has the petitioner issued any letter of assurance in favour of the complainant.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the nature of allegations leveled against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Complaint Case No. 5358 (c) of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:

- i. The petitioner are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation



of his bail bond.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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