

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61764 of 2024

Arising Out of PS. Case No.-301 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Md. Mojahir Miyan S/O Ishahak Miyan R/o Mohalla- Gareriya Khand, P.S
and Distt.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saraswati Devi W/O Shankar Prasad R/O Village- Kamdeo Bigha, P.S-
Jehanabad (Kalpa O.P.), Distt- Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2024 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 offence under Section 420, 406 of the Indian
Penal Code.

3. It is alleged that despite receiving consideration
money in advance, 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
petitioner has been falsely implicated in this case. In fact,
neither there was any sale agreement nor petitioner has received



any single penny from the complainant/opposite party no. 2. The present complaint has been lodged after a lapse of more than 8 years and there is no plausible explanation of delay. Moreover, the dispute involved in the complaint petition 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 has got some other remedy.

5. Learned A.P.P. for the State has 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 Judicial Magistrate 1st Class, Jehanabad in connection with Complaint Case No. 301 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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