

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71896 of 2024

Arising Out of PS. Case No.-1097 Year-2022 Thana- FORBESGANJ District- Araria

Nitish Kumar Mehta S/O Sri Bindeshawri Prasad Mehta R/O Village-
Amauna, Ward No. 04, P.S- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Forbisganj P. S. Case No. 1097 of 2022 dated 18-10-2022
instituted for the offence punishable under Sections
420,406,385,504,506,120B and 34 of the Indian Penal Code.

3. The prosecution case in short is that the informant
negotiated with the petitioner to purchase 30 decimals of land. It
is further alleged that petitioner and his father allegedly took
Rs. 14,93,100.00/- through bank account and in cash till
20-03-2021 and undertook to register a piece of land, but they
did not register the land and on demand, they abused and denied
to execute sale deed.

4.Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is submitted that allegation narrated in the FIR discloses the dispute of monetary transaction between the parties on account of dispute over sale of piece of land. The informant alleged that he paid Rs. 14,93,100.00/- to petitioner through bank account and in cash till 20-03-2021 on an oral undertaking that they will register a piece of land in his favour. It is submitted that earlier petitioner had lodged a complaint case bearing Complaint Case No. 1571(c) of 2021 on 22-10-2021 under sections 420,467,468,323,324,384,504,506, 354-B,379 and 34 of the IPC against the informant of the instant case. It is submitted that cognizance has been taken in the complaint case which is pending for adjudication. It is submitted that the allegation against the petitioner in the FIR is totally a civil dispute which would not be settled in the criminal case. It is submitted that filing a criminal case to settle civil disputes is nothing but an abuse of process of law. The informant has a remedy to file a suit against the said claim. Lastly, it is submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Araria or his successor, in Forbisganj P. S. Case No. 1097 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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