

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66602 of 2024

Arising Out of PS. Case No.-447 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Vijendra Prasad Singh @ Bijendra Singh S/O Late Rameshwar Singh R/O Ward No.-01, R/o Village- Dodiha, Post- Akona, P.S- Rosera, Distt.- Samastipur.
 2. Heera Singh @ Heera Prasad Singh S/O Sri Vijendra Prasad Singh R/O Ward No.-01, R/o Village- Dodiha, Post- Akona, P.S- Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi W/O Srichandra Sahu R/O Village- Sirsiya, P.S- Hathauri, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-10-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The complainant alleges that petitioner no. 1 was interested in selling his land as detailed in the complaint petition and the consideration was fixed at Rs.6,50,000/-. Further, the complainant paid the entire amount and thereafter petitioner



no.1 on 16.01.2018 i.e. the date fixed for executing the sale deed came to the Registry Office and the sale deed was prepared on which petitioner no. 2 was a witness, but the deed could not be registered due to link failure. Thereafter, it is alleged that the petitioner no. 1 never turned up for executing and registering the sale deed nor returned the amount of the complainant.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is further submitted that the rate of the land was decided at Rs.4.5 lakhs per Katha and the date of execution of sale deed was 16.01.2018 but the sale deed was to be executed only after the entire consideration was paid. It is next submitted that petitioners, accordingly, reached the Registry Office on 16.01.2018 where the husband of the complainant along with the complainant was also present. It is also submitted that the husband of the complainant said that his brother-in-law Rajendra Sah is coming with the consideration amount but he came only with Rs.2.5 lakhs and assured that rest of the amount will be paid after the sale deed is executing on which petitioner no. 1 did not agree as such the sale deed which was prepared was not given effect to. It is submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the



complainant does not disclose that how the amount of Rs.6,50,000/- was paid. It is further submitted that if the complainant is aggrieved by the fact that an amount of Rs.6,50,000/- has been misappropriated by the petitioner no. 1, in that event, she has a remedy of approaching the Court of competent civil jurisdiction to recover the said amount but then the instant complaint case has been instituted only to coerce the petitioners into submission so that they part with fanciful demand of the complainant. It is asserted and submitted that petitioner no. 1 never received any amount by way of consideration as petitioner no. 1 was not ready to accept the payment of the land in parts. It is also submitted that since the dispute is civil as such no useful purpose would be served by issuing the notice on the complainant/opposite party no. 2.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each 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
Complaint Case No. 447 of 2018, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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