

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68977 of 2023

Arising Out of PS. Case No.-402 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Paras Gupta @ Paras Sah Son Of Late Dinanath Gupta Resident Of Village Gurumaha, P.S- Uchkagaon Dist -GOPALGANJ
 2. Asha Devi Wife Of Paras Gupta @ Paras Sah Resident Of Village Gurumaha, P.S- Uchkagaon Dist -GOPALGANJ
 3. Raghubir Chaudhary Son Of Late Kamal Chaudhary Resident Of Village Gurumaha, P.S- Uchkagaon Dist -GOPALGANJ

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Babita Devi Wife Of Dasrath Sah @ Dasrath Prasad Resident Of Village Gurumaha, P.S- Uchkagaon Dist -gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP
Mr. Indrajeet Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 07-08-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant / opposite party no. 2.

2. The petitioners apprehend their arrest in a complaint case punishable for the offence under Sections 420 and 34 of the Indian Penal Code.

3. As per complaint petition, the allegation against petitioners is that complainant/opposite party no. 2 agreed to purchase a piece of land appertaining to Khata No. 42 Plot No. 553 area 19 dhur from Aasha Devi (petitioner no. 2) on payment of consideration money of Rs. 3,15,000/- and accordingly,



complainant paid the aforesaid money and came in possession of the land. It is further alleged that in presence of accused persons, complainant got measurement of land and found that land is not 19 dhur, rather it is 14 dhur and thus, complainant asked the complainant to return the excess money, as accused has not delivered the possession, as per the terms and conditions of sale, then accused persons started making excuse. It is further alleged that complainant asked the Mediator Raghuveer Chaudhary (petitioner no. 3), who has played main role in the said sale and purchase of the land, and on whose faith, complainant had given money to the seller and thereafter, a *panchayati* was held on 01-02-2021, in which Aasha Devi (petitioner no. 2) and Paras Sah (petitioner no. 1) accepted the grievance of complainant and assured to return Rs. 83,000/- to the complainant in presence of arbitrators, but the accused did not return the money and started abusing and demanding Rs. 5 lacs more, as extortion money. It is further alleged that on 20-02-2021, the accused persons came at the door of complainant and assaulted him and also took away gold chain worth Rs. 15,000/- from the neck of complainant.

4. Learned counsel for the petitioners submits that petitioner no. 2 is executor of the land in question, whereas petitioner no. 1 is husband of petitioner no. 2 and petitioner no.



3 is alleged to mediator. He further submits that the dispute involved in the complaint petition is purely of civil nature and only with a view to settle the civil dispute, this false and concocted case has been lodged. None of the acts allegedly committed by the petitioners would give rise to any criminal liability. It is out-and-out a civil dispute, for which, complainant has got some other remedy. Petitioners have got clean antecedent.

5. However, learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently 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 six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - XI, Gopalganj in connection with Complaint Case No. 402 of 2021 / Tr. No. 2503 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J.)

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