

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84108 of 2023

Arising Out of PS. Case No.-1295 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

MD. NAZRUL HAQUE S/O LATE EKRAMUL HAQUE R/O MOGRA, P.S-
KATIHAR (MUFASSIL), DISTT.- KATIHAR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NEERAJ PRASAD VERMA S/O NIRMAL PRASAD VERMA R/O
SHARDA KUTIR, PURNEA COLLEGE CHOWK, P.S- K.HAT, DISTT.-
PURNEA, PRESENTLY RESIDING AT MIRCHAIBARI, P.S- SAHAYAK,
DISTT.- KATIHAR.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit , APP
For OP 2	:	Mr. Praveen Kumar , Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-04-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 420 of the Indian Penal
Code.

3. As per the prosecution case, after receiving the
advance money of Rs. 500000/- from the complainant, this
petitioner on several request did not execute the sale deed in the
favour of the complainant nor returned the alleged amount.



4. It is submitted on behalf of the petitioner that that no agreement for sale was prepared between the parties and complainant has also not paid any amount to this petitioner and as such, no case is made out against the petitioner. The present dispute is purely civil in nature and complainant has got alternative remedy for redressal of his grievance before Civil Court. Petitioner claims clean antecedent.

5. Learned counsel for the complainant opposes the bail petition of the petitioner and submits that from bare perusal of the agreement it is apparent that even after taking consideration amount petitioner has not executed the sale deed in his favour.

6. Considering the aforesaid facts and and also the fact that present dispute is purely civil in nature and complainant has got alternative remedy for redressal of his grievance before Court below in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, 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 the learned Judicial Magistrate , Ist Class, Katihar in connection with Complaint Case No. 1295 of 2019, subject to the conditions laid down under section 438(2) of the Code of



Criminal Procedure .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

