

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10984 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. MANIJEE SINGH @ MANI SINGH Son of Late Bechanu Singh Resident of Village-Parmalpur, P.S.-Bhagwanpur, District-Kaimur at Bhabua.
 2. RAM PRATAP SINGH Son of Late Bachanu Singh Resident of Village-Parmalpur, P.S.-Bhagwanpur, District-Kaimur at Bhabua.
 3. PRINCE SINGH @ PRINCE KUMAR SINGH Son of Ram Pratap Singh Resident of Village-Parmalpur, P.S.-Bhagwanpur, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Vijay Anand, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 16-04-2025 Heard learned counsel for the petitioners, learned APP
for the State and learned Senior Counsel for the informant.

2. The petitioners apprehend their arrest in connection with Bhagwanpur P.S. Case No.310 of 2023 registered for the offences punishable under Sections 406, 420, 379, 504 and 506 of the Indian Penal Code.

3. The prosecution story is that Rajkumar Bandhu Kisan Seva Kendra Petrol Pump was established by the informant on the land which was given on lease by the mother of the petitioner nos.1 and 2. An agreement was reached between the informant and the petitioners no.1 and 2 on 01.01.2023 with regard to 20 decimal



of land out of 23 decimal to be sold to the informant for a total amount of Rs.96,00,000/-. It has been further alleged that out of the total amount of Rs.96,00,000/-, an amount of Rs.67,65,189/- was given to the petitioners in the account and also in cash. It was further stated that the rest amount of Rs.28,34,851/- would be subsequently transferred but however, it is stated that on 13.10.2023 the petitioners went back from their words and did not register the land as agreed upon and neither have returned the amount of Rs. 67,65,189/- to the informant.

4. Learned counsel for the petitioners submits that, as a matter of fact, no amount has been transferred to the petitioners and the agreement which is being shown at page 24 of the application, which is a part of the FIR, bears forged and fabricated signature of petitioners no.1 and 2.

5. Learned counsel for the petitioners further draws the attention of this Court to Annexure-2 to the application for showing that the petitioners have also made several payments to the informant and have also supplied bricks from their brick-kiln. He further submits that an informatory petition had also been filed on behalf of the petitioner no.3 on 16.05.2023 stating that the informant has been pressurizing the petitioners for transferring the land in their favour.

6. It is stated that it is only after filing of the present



informatory petition on 16.05.2023 that the present FIR came to be lodged by the informant on 19.10.2023. It has also been submitted by the learned counsel for the petitioners that the case is purely based on transactions which would constitute a civil dispute between the parties and a criminal case would not be made out.

7. The present application has been vehemently opposed by the learned Senior Counsel for the informant and the attention of this Court has been drawn to the counter affidavit filed on behalf of the informant in which details have been provided to show that, as a matter of fact, the informant had given an amount of Rs.67,65,189/- to the petitioners which they have misappropriated and they are now neither ready to make registry of the land nor agreeable to return the amount. It has also been submitted that even if a matter relates to some civil transactions it is nowhere barred that a criminal prosecution, if a case is made out, would also be barred.

8. In response to the counter affidavit filed by the informant the learned counsel for the petitioner has filed a rejoinder to the same and has brought on record the fact that the informant has filed a Title Suit bearing Title Suit No.470 of 2024 under the Specific Performance of Contract related to the disputed land in question and such Title Suit is pending before the learned court of Sub-Judge, Senior Division-1st, Kaimur at Bhabhua and



as such the matter is purely a civil dispute. The copy of the Title Suit has been annexed as Annexure-R.A.-1 to the reply of the counter affidavit.

9. The learned Senior Counsel appearing for the informant has also raised an objection with regard to the antecedent of the petitioners which has not been disclosed in paragraph 3 of the application to which learned counsel for the petitioners has made a reply in paragraph 7 of his reply to the counter affidavit stating that the said case being Bhabhua P.S. Case No.773 of 2024 was lodged against the petitioner no.3 with the connivance of the present informant and the same was lodged after filing of the present anticipatory bail application before this Court.

10. Considering the entire facts and circumstances of the case and also considering all the rival contentions of the parties and also on going through the documents on record specially the title suit filed in respect of the disputed land by the informant and also considering that the matter is one of civil dispute arising out of the monetary transaction between the parties, I am inclined to extend the privilege of anticipatory bail to the petitioners.

11. Let the petitioners above-named in case of their arrest/surrender within a period of four weeks from today, 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.-V, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 310 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to the further conditions that:-

(i) The statement made in paragraph 7 of the reply to the counter affidavit with regard to the criminal antecedent may be verified before furnishing of the bail bonds.

(ii) The petitioners would cooperate in the investigation/trial.

(iii) In view of the statement made in the FIR that the informant is also being threatened a further condition is imposed upon the petitioners that they would not indulge in any such act in future and in case any substantial indulgence in the same is found, the informant will be at liberty to file an application for cancellation of bail.

(Soni Shrivastava, J)

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