

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9039 of 2025

Arising Out of PS. Case No.-1201 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Banke Prasad @ Wanke Prasad Son of Late Narayan Mahto Resident of
Jahana, P.O. and P.S. - Bind, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ajay Kumar Singh Son of Brijnandan Singh Resident of Village - Gopai
Chak, P.S. - Saksohara, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Anand

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 08-10-2025 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1201c of 2023, registered for the
offences punishable under Section 406 of IPC.

3. As per allegation, the petitioner and the
complainant entered into an agreement for the sale of the land.
The petitioner received Rs. 75,000/- as advance. He did not
execute the sale deed neither he returned the money.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated.
According to the agreement, the informant was to pay Rs.



15,75,000/- and thereafter, the stipulated sale deed was to be executed but the informant did not pay the consideration money that is why the petitioner did not execute the sale deed in favour of the informant. The petitioner is a person of clean antecedent.

5. Notices were sent to the complainant but none appeared for him. This is a pure civil dispute and the remedy lies in the civil court and not in the criminal court.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Biharsharif, Nalanda in connection with Complaint Case No. 1201c of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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