

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13588 of 2024

Arising Out of PS. Case No.-396 Year-2022 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Srikishun Ram, aged about 62 years, Male, Son of Late Shiv Narayan Ram @
Shivnarayan Ram, R/o Village- Jalapur, P.O. and P.S.- Dhansoi, District-
Buxar

... .. Petitioner

Versus

1. The State of Bihar
2. Sunaina Devi, aged about 51 years, Female, W/o Madan Ram, R/o Village-
Jalapur, P.S.- Dhansoi, District- Buxar

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Arvind Kumar Pradhan, Advocate
For the O.P. No. 2	:	Mr. Kritya Nand Jha, Advocate
For the State	:	Mr. Anand Kishore Choudhary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

14 12-05-2025 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

2. The petitioner was earlier granted provisional bail
vide order dated 21.03.2024 by this Court for a further period of
four months and time to time the provisional bail granted to the
petitioner was extended by this Court in connection with
Complaint Case No. 396C of 2022 dated 06.05.2022 registered
for the offences punishable under Sections 341, 323, 406, 420,
467, 468, 471 read with Section 34 of the I.P.C.

3. As per the prosecution case, the complainant has



decided to purchase a piece of land from the landowner and executed an agreement to sell after receiving Rs. 67,000/- cash by the petitioner and according to condition of the said agreement to sell, the land owner executed a sale deed dated 13.03.2014 after receiving remaining amount Rs. 58,000/-. It is further alleged that when the complainant went to the Circle Officer for mutation of the said land then it came to know that the said land is of Purcha land and its mutation cannot be done then the complainant asked the petitioner to return her Rs. 1,25,000/- with other expenses but he has not returned her said money. The petitioner knowingly cheated the complainant everything and on 05.05.2022 when the complainant went to the house of the petitioner with her husband and other witnesses then he refused to pay the same amount and threatened to kill her, thereafter, the complainant went to police station but she has been advised to lodge complaint case in the court, thereafter, she has lodged the present complaint against the petitioner and others.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner took Rs. 1,25,000/- and executed sale deed for his said land which got



through purcha in favour of the complainant which is stand recorded as Malik Bihar Sarkar. It is further submitted that the petitioner has not taken a single rupees from the complainant and the complainant despite of full knowledge land recorded as 'Malik Bihar Sarkar', got registered the said land in her name through her husband by saying that she just registered it, it will be used for government scheme and the complainant being rustic illiterate village person came in their bluff being the co-villager done things as they wanting to do. It is further submitted that the sale deed of the said land was executed in the year 2014 and the complaint was filed in the year 2022 and the delay in lodging the complaint has not been explained by the prosecution. It is a case of civil dispute. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 08.12.2023.

5. The complainant is present in the Court today and in presence of her counsel, she has admitted that she has received Rs. 1,25,000/- from the petitioner.

5. Learned counsel for the opposite party no. 2 and learned A.P.P. for the State have not controverted the contention of the learned counsel for the petitioner and have not opposed for confirmation of the provisional bail granted to the petitioner



vide order dated 21.03.2024.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner has returned Rs. 1,25,000/- to the opposite party no. 2 which was received by her in the Court, the provisional bail granted to the petitioner vide order dated 21.03.2024, is hereby confirmed.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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