

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13518 of 2025**

Arising Out of PS. Case No.-1677 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

-
1. Ramlakhan Prasad S/O Late Hari Yadav Resident of Village - Ishapur, P.S.- Giriyak, District-Nalanda at Biharsharif.
 2. Mahesh Kumar S/o Baso Yadav Resident of Village - Ishapur, P.S. - Giriyak, District - Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar @ Birendra Kumar S/o Late Nandlal Prasad Resident of Village - Tika Bigha, P.O. - Gopalpur, P.S. - Warisaliganj, District - Nawada, Mob. No.- 9934976433

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 12-05-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that the accused persons including the petitioners came to the house of the complainant and showed their willingness to sell 2.5 Kathas of land of their share at the rate of Rs.75,000/-



per Katha. Further, the petitioners are related to the complainant. It is next alleged that the complainant gave Rs.1,50,000/- to Mahesh and took the receiving on blank paper and also gave Rs.5,000/- to all the accused, thereafter again gave Rs.1,75,000/- to Ramlakhan and Umesh in presence of witnesses and took receiving but even after 2½ years the land was not registered and later the complainant came to know that the land belongs to the State of Bihar.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is asserted and submitted that petitioners never took any money from the petitioners nor gave any receiving. It is further submitted that there is no agreement for sale on record. It is next submitted that the date of occurrence is alleged to be on 10.07.2021 and the complaint came to be instituted on 23.12.2023 i.e. after a delay of nearly more than two and half years. It is submitted that if what has been alleged by the complainant is the correct fact in that event the complainant ought to have moved before a court of competent civil jurisdiction either for recovering his money or for getting the sale deed executed with respect to the land but then it is submitted that a bald allegation has been alleged that land in



question belongs to the State of Bihar. It is further submitted that criminal Court should not act as recovery agents. It is next submitted that had the complainant filed an application before a Court of competent civil jurisdiction the petitioners would have got an opportunity to rebut the claim of the complainant.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that Criminal Court should not be used as a recovery agent and that instead of instituting a money suit or a suit for specific performance, the instant criminal case came to be instituted.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No. 1677 of 2023, subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

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

