

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29702 of 2024

Arising Out of PS. Case No.-3279 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Devendra Nath Puri son of Late Yogendra Nath Puri Village- Ramji Chak Po
Ps- Digha Town Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhimanyu Sharma son of Arjun Sharma R/o- Ramkrishna Nagar New
Jagganpura Ps- Ramkrishna Nagar Town Dist- patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

6 05-06-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no.3279C of 2021 registered for the offence punishable under sections 406 and 34 of the Indian Penal Code.

3. As per the prosecution case, the complainant states that an agreement for sale was entered into between the parties on 19.6.2018, according to which a sum of Rs.26 lakhs was to be paid, however, the accused persons took Rs.32 lakhs in place of Rs.26 lakhs and executed the sale deed on 25.9.2018. The complainant further states that he was prevented from going over the land in question by the accused persons on the pretext



that partition had not taken place and the land did not fall in the share of the vendor which had been sold to the complainant. It is further stated that on an attempt being made to talk to the accused persons, they refused to meet him and threatened to murder him. The accused neither returning the Rs.32 lakhs nor are delivering possession of the land in question.

4. It is submitted by learned counsel for the petitioner that an agreement for sale was entered into between the parties on 19.6.2018 for sale of the land in question for a consideration of Rs. 26 lakhs. The sale deed was registered on 28.9.2018. The allegation that the complainant paid a further sum of Rs.6 lakhs is incorrect. It is further submitted that subsequent to the registration of the sale deed, a partition suit was filed by one of the family members on 26.11.2018 wherein the complainant is also a party defendant and has also filed a written statement. It was subsequent to the filing of the written statement in the partition suit that the instant complaint was filed making false allegations and suppressing the fact about the pendency of the partition suit and of the complainant having filed written statement therein. Learned counsel further submits that a Money Suit no. 8 of 2025 has also been filed by the complainant for recovery of the disputed amount. It is further submitted that so



far as allegation of the land belonging to the Religious Trust Board is concerned, the land in question was mutated in the name of the petitioner in Register-II vide Jamabandi Case no.11524/1 and a copy of the jamabandi receipt has been brought on record as Annexure-P3 series to the supplementary affidavit filed on behalf of the petitioner.

5. The application for bail is opposed by learned counsel for the complainant. It is submitted that after entering into an agreement for sale and execution of the sale deed for a total consideration of Rs.26 lakhs, further sum of Rs.6 lakhs was demanded and forcibly taken in cash, however, the accused persons still did not deliver possession of the land in question. Neither the amount is being returned to the complainant nor the delivery of possession being given. It has further transpired that the land belongs to the Bihar State Religious Trust Board.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the complaint, the statements made and the material on record, the Court is of the opinion that prima-facie matter relates to one of civil dispute between the parties.

7. In view of the nature of allegations and counter allegations together with pendency of partition suit wherein the



complainant has also entered appearance and filed his written statement as also filing of the money suit by the complainant, in the facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.3279C of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna.

(Partha Sarthy, J)

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