

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36353 of 2025

Arising Out of PS. Case No.-180 Year-2020 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

Sunil kumar S/O Basudev Mahto R/O Vill.- Jaypur Dhanki, P.S-Agamkuan,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Complaint Case No. 180 of 2020 instituted for the offence under
Section 420 of the Indian Penal Code.

3. The complainant agreed to purchase land (Plot No.
1327, *Kumhrar*) from the petitioner for Rs. 15,00,000/- (Fifteen
lakhs) paying a total of Rs. 13,05,000/- (Thirteen lakhs five
thousand) in installments between March–October 2012.
Despite receiving the money, the petitioner failed to execute the
registration of land.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 29-03-2025. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that the present criminal proceeding has been maliciously instituted against the petitioner for a transaction which is purely civil in nature. The allegation, at its core, pertains to an agreement for sale of land and alleged failure to execute a deed despite receipt of money. Such disputes regarding enforcement of contract, recovery of money or specific performance fall squarely within the domain of civil law and appropriate civil remedies are available to the complainant. The ingredients of criminal offence are conspicuously absent, and the attempt to give a civil dispute a criminal colour is nothing but an abuse of the process of law. Hence, continuation of this proceeding would amount to miscarriage of justice.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and nature of allegation, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 180 of 2020, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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