

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49634 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- ROSERA District- Samastipur

Naresh Kumar Singh S/o Ram Ballav Singh R/o vill - Mirjapur, ward no. 1,
P.S. - Rosera, Distt. - Samastipur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bandhu Mahto S/o Ramashish Mahto R/o vill - Bhorejairam, P.S. - Khanpur,
Distt. - Samastipur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Kumar, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP
For the O.P. No.2	:	Mr. Pratik, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-01-2025 Heard learned counsel for the petitioner and learned A.P.P.

for the State assisted by learned counsel for the O.P. No.2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 506/34 of the Indian Penal Code.

3. Petitioner is said to have agreed to sell two kathas of land on consideration of Rs.14 lakhs to opposite party no.2 and after taking Rs.8 lakhs one katha land was sold and it was agreed that after payment of Rs.6 lakhs rest one katha of land will be registered. When the opposite party no.2 went on the spot, it was found that only 15 dhur land is remained. Opposite party no.2 requested the petitioner to return money but neither



the money was returned nor the land was registered.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the dispute between the parties is purely civil in nature for which criminal case has been lodged. It is further submitted that if any dispute with regard to the measurement of the land is clearly a civil dispute and criminal case cannot be used to settle the civil dispute and further the maxim '*caveat emptor*' is clearly applicable to the present case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the O.P. No.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Rosera P.S. Case No. 437 of 2023, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Trivedi/-

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

