

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42083 of 2025**

Arising Out of PS. Case No.-1369 Year-2018 Thana- SAHARSA COMPLAINT CASE  
District- Saharsa

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Subhash Kumar S/O Rajendra Prasad Yadav @ Rajo Yadav R/O Village and  
PO- Chikni Fulkaha, PS- Gamhariya, Distt-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satya Narayan Sah S/O Late Bhagwat Sah R/O MOhalla- Naya Bazar Under  
Nagar Parishad Saharsa PS and Distt- Saharsa

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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

2      09-07-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 420 and  
406 of the IPC.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and the informant  
alleges that the petitioner approached the complainant of selling  
his two kathas of land for an amount of Rs. 6,40,000/-,  
accordingly, complainant paid Rs.1,00,000/- by way of advance,  
but the sale deed was not executed, further on pressure the  
petitioner deposited an amount of Rs. 23,000/- in the account of



the complainant, but did not return the entire amount.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the complainant. It is next submitted that the dispute is purely civil to which a criminal color has been given. It is also submitted that no agreement of sale has been brought on record to substantiate the allegation that the petitioner intended to sell the land. It is further submitted that the amount of Rs.23,000/- which was credited in the account of the complainant was by way of loan and not toward the payment. It is also submitted that the complainant instead of instituting the criminal case ought to have filed money suit for recovering the amount, so that the petitioner would have appeared and rebutted his claim.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Complaint Case  
No. 1369 of 2018 subject to the conditions as laid down under  
Section 482 (2) of the BNSS.

**(Satyavrat Verma, J)**

Saurav/-

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