

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46271 of 2025

Arising Out of PS. Case No.-420 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sami Ahmad son of Late Najrul Hassan Village- Sui Ki Masjid, Mogalpura, Ps- Khajekalan, Dist- Patna
 2. Arif Ekbal Son of Sami Ahmad Village- Sui Ki Masjid, Mogalpura, Ps- Khajekalan, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bijay Kumar son of Late Rambhajan Chaudhari Village- Aaga Hussain Ka Chauraha Hajiganj, Patna City, Ps- Chowk, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amir Alam, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 420 of IPC.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are father and the son. It is submitted that from perusal of the allegation as alleged in the Complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that an agreement for sale was executed in between the complainant and Sami Ahmad on 25.04.2022 for purchasing a piece of land and accordingly a sum of Rs.1,50,000/- was



given to the accused persons, further, on 26.04.2022, the complainant paid an amount of Rs.12,80,000/- to the accused persons and rest Rs.50,000/- was paid in cash and Rs.50,000/- by R.T.G.S. but then the accused persons neither executed the sale deed in favour of the complainant nor returned the amount.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is submitted that from perusal of the allegation as alleged in the Complaint, it would manifest that apart from this Rs.50,000/- which has been credited in the account of the accused persons through R.T.G.S., all other amounts are alleged to have been paid in cash. It is next submitted that petitioner vehemently rebuts the said allegation that such amount was paid in cash to them. It is also submitted that the amount which was paid through account was not with respect to an agreement for sale. It is further submitted that the agreement for sale was executed in between the parties with respect to a piece of land but later the complainant started demanding that for the said consideration the land along with house be also provided to him but then no amount in cash as alleged was paid. It is also submitted that if the petitioners have breached the conditions of agreement for sale, in that event, complainant had a remedy of



approaching a court of competent civil jurisdiction for getting the agreement for sale enforced where petitioners would have appeared and have got a chance to rebut the submission but then the instant criminal case has been instituted only with a view to coerce the petitioner into submission.

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 petitioners, the petitioners above-named, in the event of their 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) each 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 C.A. Case No. 420 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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