

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54208 of 2024

Arising Out of PS. Case No.-450 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Mahesh Singh Son of Late Khublal Mahto R/V- KHAIRA, P.O.- LAKHNA,
P.S.- GAURICHAK, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKESH KUMAR SON OF SURESH PRASAD SINGH R/V- VILLAGE-
FATEHPUR, P.S.- DIDARGANJ, DISTT.- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ramesh Kr. Singh, Advocate Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For Opposite Party No.2	:	Mr. Kumar Mritunjay Narain, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Sections 420, 406 and 120B of the Indian Penal Code.

3. The prosecution case, in brief, is that pursuant to an agreement between the parties, petitioner became ready to purchase the land of the complainant for Rs. 47,47,500/-. It is the case of the complainant that pursuant to the agreement, the complainant executed sale deed of the land in favour of the petitioner on 14.10.2020 vide Registered Deed No. 8338 and on the same date, a separate agreement was made in which it was



written that the entire consideration amount will be paid by this petitioner within two months but the same has not been paid till date.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this case. As a matter of fact, petitioner and his partner paid the entire consideration money prior to execution of Registered Sale Deed No. 8338 on 14.10.2020 but the complainant employed his own *Katib* and at the time of execution of sale deed introduced the fact of non-payment of entire consideration money. It is further submitted that the complainant has already filed a civil suit for cancellation of sale deed vide Suit No. 62 of 2023 before the Court of learned Civil Judge, Sr. Division, Court No. 2, Masaurhi. It is lastly submitted that dispute between the parties is purely civil in nature with regard to sale and purchase of land and none of the acts allegedly committed by this petitioner would give rise to any criminal liability. However, at this stage, without admitting his guilt, petitioner is ready to deposit the disputed amount amounting to Rs. 30,00,000/- (Rupees thirty lacs only), in easy monthly installments.

5. On the other hand, learned A.P.P. for the State and



learned counsel appearing on behalf of the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that this petitioner committed cheat with the complainant. After getting the land executed in his favour, this petitioner refused to pay the entire consideration money.

6. Considering the aforesaid facts and circumstances and nature of dispute, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna City in connection with Complaint Case No. 450 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 10,00,000/-** (Rupees ten lacs) shall be deposited in the *Nazarat* of the Civil Court, Patna.
- B. Rest amount i.e. **Rs. 20,00,000/-** (Rupees twenty lacs) shall be deposited in the *Nazarat* of Civil Court, Patna, in six equal



installments within a period of one year from the date of furnishing bail-bond.

- C. The aforesaid payment shall be subject to the final outcome of the case.
- D. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.

8. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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