

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67548 of 2024

Arising Out of PS. Case No.-11283 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Satyendra Kumar Singh S/O Late Kamla Kant Singh Resident of Village-
Indra Nagar, Main Road (Postal Park) Reshma Sadan, P.S.- Kankarbagh, Dist-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Kumar S/O Sri Badri Prasad R/O Mohalla- Ahilya Gautama
Colony Aashiana Nagar, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Barun Kumar Singh, Advocate
	:	Mr.Kumar Praveen, Advocate
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh, APP
For the informant	:	Mr.Kiran Kumar, Advocate
	:	Mr.Dilip Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 19-02-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of complaint case no. 11283C of 2023, disclosing
offences punishable under Section 420 of the Indian Penal
Code.
3. The prosecution story, as per the complaint
petition, is that complainant and petitioner entered into a sale
agreement dated 15.01.2021 for sale of land situated at Rajiv
Nagar, description of which has been given in the petition itself.
It is alleged that complainant gave Rs. 10,50,000/- out of total



consideration amount of Rs. 60 lacs as advance to the petitioner and the remaining amount was to be paid at the time of registration. After inquiry, complainant came to know that the land belongs to Housing Board. When the petitioner was informed, he told the complainant to obtain revenue receipt of the land. The complainant obtained on-line revenue receipt and asked the petitioner to execute the sale deed of the land in question. He refused to sell the land and sent a false notice to the complainant. Thereafter, petitioner entered into an agreement for sale of the said land with another person.

4. Learned Counsel for the petitioner submits that as per agreement for sale, only 03 month's time was given to the petitioner to deposit the remaining amount and get the sale deed executed but he failed to obey the terms of the agreement. Learned counsel further submits that the clearance certificate from the authority concerned has been obtained by the petitioner and not by the complainant. The petitioner on 02.11.2023 filed informatory petition no. 3847 of 2023 in the court of learned C.J.M. Patna stating all the facts. He next submits that the complainant was not at all willing and ready to purchase the land in question despite several reminders given by the petitioner and the present complaint has been lodged after 02



years from the date of agreement. He also submits that the petitioner is ready to return the advance amount of Rs. 10,50,000/- to the complainant. Lastly, he submits that the dispute between the parties is purely civil in nature but the same has been given the colour of criminal case by the complainant.

5. On the other hand, learned counsel for the complainant/ opposite party no. 2 argued that an agreement for sale was executed on 15.01.2021 between the parties and out of total consideration amount of Rs. 60 lacs, the opposite party no. 2 paid Rs. 10,50,000/- as advance. The opposite party no. 2, on the basis of the agreement for sale, has filed Title Suit No. 517 of 2023. Learned counsel further submits after receipt of the advance amount, the petitioner performed marriage of his daughter and thereafter, became dishonest and sold the land in favour of third party on higher price. He next submits that the complainant was always ready and willing to pay the balance consideration amount and get the sale deed executed. He also submits that since Title Suit has been filed, as such the complainant/ opposite party no. 2 is not ready to accept the advance amount of Rs. 10,50,000/- from the petitioner, as offered by him.

6. Regard being had to the submissions made on



behalf of the parties and taking into consideration the nature of dispute, which *prima facie* appears to be civil dispute, for which a Title Suit has been filed by opposite party no. 2/ complainant, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.
8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released 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 in connection with complaint case no. 11283C of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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