

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74788 of 2023**

Arising Out of PS. Case No.-503 Year-2022 Thana- KRITYANAND NAGAR District-  
Purnia

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Banti Kumar Yadav S/O Bhupendra Prasad Yadav R/O Village- Kheruganj,  
P.S- K. Nagar, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

6      14-07-2025                      Heard learned counsel for the petitioner, learned  
  
Additional Public Prosecutor for the State and Mr. S.K. Lal,  
  
learned counsel for the opposite party no. 2.

2. The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Sections 406, 420, 34  
of the Indian Penal Code.

3. The prosecution case as disclosed in the first  
information report is that a sum of Rs. 4,05,101/- was paid in  
advance to the accused persons who are petitioner and one  
Ravindra Prasad Yadav on an assurance to the informant to  
execute the sale deed in his favour after paying of the rest amount  
to them. It is alleged that the total amount of Rs. 13,14,101/- was  
paid by the informant to the accused persons in installment in the  
extended period. However, the accused persons did not register the  
said land in favour of the informant. There is a further allegation  
that the land also does not stand in the name of the accused



persons.

4. Learned counsel for the petitioner submits that it would be evident from the first information report itself that the matter relates to a civil dispute with regard to purchase of land. The documents would show that the petitioner had received only Rs. 2,00,000/- out of the initial Rs. 4,00,000/- which was paid to the accused persons. The amount of Rs. 2,00,000/- has already been returned by this petitioner to the informant in his bank account which is not denied by the informant. However, it is submitted that the rest of the money was also not paid within the stipulated time and the payment was also made to the co-accused Ravindra Prasad Yadav as would be evident from the agreement for sale itself showing the receipt of money by Ravindra Prasad Yadav. It has further been submitted that the petitioner has not received any more amount than Rs. 2,00,000/- which he had initially received and he has shown his bonafide by returning the same to the informant. It has also been submitted on behalf of the petitioner by showing a sale deed dated 08.01.2020 that the allegation of the opposite party no. 2 that the land also does not stand in the name of the accused persons is not correct as co-accused Ravindra Pd. Yadav appears to be one of the co-purchasers of the said land and it is he who has received the amount from the informant.



5. Learned counsel for the opposite party no. 2, however, controverts the submissions made on behalf of the petitioner and submits that he has been duped by the accused persons by taking a total amount of Rs. 13,14,101/- and not registering the land in his favour.

6. It is to be considered that the matter basically relates to a dispute with regard to the sale deed and the petitioner has paid back the amount which he had received and other remedies in law are still available to the informant/opposite party no. 2.

7. Taking into consideration the fact that the present forum cannot be used for the purpose of money recovery and other alternative remedies are available to the opposite party no. 2, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten 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 K. Nagar P.S. Case No. 503 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

**(Soni Shrivastava, J)**

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