

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81171 of 2024

Arising Out of PS. Case No.-851 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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Satya Prakash @ Bittu Son of Girish Pandey Resident of Mohalla-Gaurashni
Bus Stand PS- Muffasil, Dist- Gaya and P/A- Chintawan Bigha, Ps- Kutumba,
Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Son of Shri Siyaram Singh village- Sanaut, Ps- Muffasil,
Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 08-04-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 341, 406,
420, 120(B) of the Indian Penal Code and Section 138 of N.I.
Act.

3. The case of the prosecution based on complaint petition
is that the complainant had executed an agreement to sale, for
the sale of land described in that agreement. The complainant
had given Rs. 5 lacks as advance. It is also alleged that
altogether the complainant had paid Rs. 25 lacks to the
petitioner, but the petitioner is neither executing the sale deed



nor returning the sale deed. It is further alleged that the petitioner had issued a cheque of Rs. 28,50,000/-, which got dishonored, due to insufficient balance.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is also submitted that the complainant has paid all the dues to the father of the complainant. It has also been submitted that it is out and out civil nature of case. There was an agreement between the parties and if the petitioner is not performing his part of the contract, the complainant is free to file a case before the Civil Court for compelling the petitioner to executing the sale deed. As far as the allegation regarding issuance of cheque is concerned, which got dishonored, that allegation is covered under Section 138 of the N.I. Act, which is bailable in nature. It is further submitted that the petitioner is languishing in judicial custody since 12.06.2024.

5. Learned counsel for the complainant submits that in this case, the report from the trial court was called, regarding the stage of trial and expected duration in which the trial will be concluded. The trial court has reported that from 25.05.2024, Complainant is not doing *pairvi* in the trial court. This is a case



based on complaint petition. The responsibilities upon the Complainant to get the trial concluded at earliest, but he is not interested in conclusion of the trial.

6. Learned APP appearing for the state has opposed the prayer of regular bail and submits that the petitioner is having criminal antecedent of ten cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 851 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Gaya.

(Ashok Kumar Pandey, J)

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