

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90193 of 2024

Arising Out of PS. Case No.-5769 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Dashrath Prasad S/O Late Bhagwat Prasad
 2. Mukesh Kumar S/O Dasrath Prasad
Both R/O Village - Gochhari, P.O- Gopalpur,P.S- Gogri Jamalpur, District-
Khagaria

... .. Petitioner/s

Versus

 1. The State of Bihar
 2. Sujit Kumar S/O Upendra Singh R/O Vill. and P.O-Fatehpur,P.S- Didarganj,
Dist- Patna- 800007.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushant Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 23-07-2025 Despite of valid service of notice upon opposite party No.2 and learned APP for the State has also informed the opposite party No.2 about the present case, no one appears on behalf of opposite party No.2.

2. Heard Mr.Sushant Kumar, learned counsel for the petitioners and Mr.Anil Kumar Singh No. 1, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No.5769(C)/2023, registered for the offences punishable under Section 420 of the Indian Penal Code.



4. This case has been instituted on the basis of complaint petition of the complainant in which he has alleged that the occurrence took place on 11.5.2022. He purchased 15 katha land from the petitioners at the rate of Rs.9.50 lacs (Nine Lakh Fifty Thousand) per katha. It is further alleged that on 14.5.2022 an agreement was executed to this effect. It is also alleged that on the date of agreement he paid total Rs 40,00000/- (Forty Lacs) to the petitioner. Thereafter the accused persons executed registered sale deed of the land of their share in the name of the complainant. It is alleged that when he called the accused persons for measurement of the land they did not turn up and started evading the same. Even they stopped receiving his phone calls. The complainant has further alleged when they went for measurement of the land so many people assembled there with the registration deed. When the complainant tried to meet the accused persons to tell them the aforesaid fact, they refused to meet him and served notice against him.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioners



have not committed any offence as alleged in the complaint petition . Learned counsel for the petitioners further submits that as per agreement of sale, the total agreement of sale was executed between the parties for 15 kathas of land and total consideration amount was of Rs.1,42,00000/- (One crore Forty Two Lacs) and out of that amount, the opposite party No.2 has paid Rs. 77,51000/-(Seventy Seven Lacs Fifty One Thousand) and in lieu of that, the petitioners have executed the sale deed of 07 Katha 10 Dhur of land in favour of opposite party No.2 and opposite party No.2 has not paid the rest amount of Rs. 64,99,000/-(Sixty Four Lacs Ninety Nine Thousand) so that petitioners have not executed the sale deed of rest land 07 katha 10 dhur in favour of opposite party No.2 and petitioners have given undertaking before this Court that if the opposite party No.2 pays Rs. 64,99,000/-(Sixty Four Lacs Ninety Nine Thousand), the petitioners will execute the rest land 07 katha 10 dhur in favour of opposite party No.2.

6. Considering the aforesaid facts, petitioners have clean antecedent and the petitioners have already executed the sale deed of 07 katha 10 dhur in favour of opposite party No.2 for which the petitioners have received Rs.77,51000/-(Seventy Seven Lacs Fifty One Thousand) from the opposite party



No.2, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Complaint Case No.5769(C)/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS,2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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