

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88940 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- SAHPUR District- Patna

Rahul Patel @ Rahul Raj @ Kallu son of Late Sanjay Singh @ Late Sanjay Kumar Singh Village - Hanumanganj P. S. - Shahpur Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh

For the Petitioner/s : Mr. Chhanna Shamkar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 24-01-2025

1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned senior counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Shahpur P.S. Case No.44/2024, registered for the offences punishable under Sections 406, 420, 467, 471, and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and is in custody since 20.09.2024 and charge sheet has been submitted. It is next submitted that the informant alleges that he along with his partner entered into an agreement for sale on 18.11.2022 with the petitioner and his mother with respect to land as detailed in the F.I.R., further the rate of the land was fixed at Rs.8.81,000/-



per katha, further at the time of his entering in the agreement for sale, an amount of Rs.50,0000/- was given to the petitioner and his mother by cheque and cash and the entire consideration was to be paid within six months from the date the rent receipt was issued with respect to the land, next alleges that thereafter an amount of Rs.2,00,50,000/- was paid to the petitioner and his mother through cheque and cash, further alleges that he got 16 kathas of land registered from the petitioner, his mother and grand mother pertaining to Khata No.323, Khesra No.61, at Mauza-Hathiyakand after paying the consideration. It is next alleged that thereafter the informant came to know that petitioner, his mother and grand mother sold 36 kathas of land pertaining to Khata No.323, Plot No.61, for which the agreement for sale was entered with the informant to Prabhakar, Gaurav and Arun, it is next alleged that thereafter the accused persons sold another 18 kathas of land pertaining to Khata No.332, Khesra No.297 to Prabhakar, Santosh and Rupak, thus alleges that petitioner, his mother along with Prabhakar, Gaurav, Arun, Santosh and Rupak in connivance committed the occurrence by preparing forged documents.

4. The learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation, as alleged



in the F.I.R., it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that from perusal of the agreement for sale dated 18.11.2022, annexed as Annexure-3 to the supplementary affidavit, it would manifest that at the time of entering the agreement for sale, it was decided in between the informant and the accused persons that in event of any dispute or if the land is not registered in name of the informant for any valid reason in that event the informant will be at liberty to get the land registered through the process of court. It is next submitted that when the agreement for sale already contained the said clause, there was absolutely no occasion for the informant to resort to a criminal proceeding. It is further submitted that the instant criminal case has been instituted only with a view to coerce the petitioner and his mother into submission so that they part with the fanciful demand of the informant. It is next submitted that if the informant was so sure that in terms of the agreement for sale the land for a valid reason has not been registered in his name, in that event, he could have moved before a court of competent civil jurisdiction seeking a direction upon the petitioner and his mother to register the land in terms of Clause- 12 of the agreement for sale but then without resorting to the said



procedure, the instant criminal case has been instituted only to coerce the petitioner into submission. The learned counsel for the petitioner further submits that the High Court should not act as a recovery agent.

5. Learned A.P.P. along with learned Senior counsel appearing on behalf of the informant opposes the prayer for bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that agreement for sale entered in between petitioner, his mother and the informant dated 18.11.2022 had a clause with regard to the dispute. At this stage, the learned counsel for the petitioner again submits that charge sheet has been submitted as such no useful purpose would be served by keeping the petitioner behind bars.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.25000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur, in connection with Shahpur P.S. Case No.44/2024.

7. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is



trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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