

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10500 of 2025

Arising Out of PS. Case No.-169 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Sanjay Kumar @ Sanjay Kumar Gupta S/O Late Gaya Prasad Gupta Resident
of Mohalla-Badi Khagaul (Near Hanuman Mandir Pathak Par), Police
Station-Khagaul, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shaida Nagar Grih Nirman Samiti Khagaul, P.S. Khagaul, District- Patna,
Through its Present secretary namely Naiyar Azam, age- 52 years, S/o- Late
Shaida Hasan at present R/o - 404 B, Uttam Palace, Khajpura , P.S. Shastri
Nagar, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha, Sr. Adv. Ms. Richa Rajiv Singh, Adv.
For the Opposite Party/s :		Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 05-01-2026 Heard the parties.

2.The petitioner is named in complaint petition and
apprehending his arrest in Complaint Case No. 169C of 2018
registered for the offences punishable under Sections 420, 504
of the Indian Penal Code.

3. The allegation against petitioner is to resell 53
decimal of land to different persons which was already sold by
his grand-parents much earlier i.e., in the year 1985 to the
complainant society namely, “*Shaida Nagar Grih Nirman
Samiti*”.



4. Mrs. Archana Sinha, learned senior counsel while arguing on behalf of the petitioner submitted that the issue between the parties are primarily of civil disputes for which the present criminal complaint case is completely un-occassioned and un-warrented. It is pointed out that the mutations of the disputed land is existing in the name of the father of the petitioner. It is submitted that to declare the title in favor of complainant society, the complainant society filed a title suit which is pending before the court of learned Sub-judge, Danapur as Title Suit no. 102/ 2018. It is pointed out that the petitioner also filed title suit much earlier to that i.e. in year 2015 itself bearing Title Suit no. 2799/ 2015.

5. Arguing further, it is pointed out by Mrs. Sinha, that the complaint on its face and even the depositions of petitioner as deposed in complaint petition no. 175C of 2011, which was relied upon by complainant nowhere disclosed that land, in issue, was sold even by fathers of the petitioner to the complainant society.

6. Learned APP duly assisted by learned counsel for the OP No. 2 while opposing the prayer of bail submitted that the land, in issue, was sold by grandparents of the petitioner



much earlier i.e., in the year 1994-95, however, he conceded that still mutation is existing in favor of the father of the petitioner and he filed title suit no. 102/2018 for declaration of title.

7. In view of aforesaid factual submission as the complainant fighting for his title for which the title suit no. 102/2018 is pending before the court of learned Sub-judge, Danapur, suggesting on its face dispute is primarily civil in nature, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Danapur /concerned Court, where the case is pending in connection with Complaint Case No. 169C of 2018, subject to the conditions as laid down under Section 482 (2) of BNSS.

(Chandra Shekhar Jha, J)

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