

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41007 of 2026

Arising Out of PS. Case No.-5279 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ashok Kumar Singh, son of Late Satyadeb Singh,
 2. Sidarth Kumar Singh @ Sidarth, Son of Ashok Kumar Singh
Both are resident of Village-Srinagar, P.S.- Chandi, District -Nalanda At
Present Resident of Professor Colony, Dhaneshwar Ghat, P.S. -Bihar,
District -Nalanda

... .. Petitioners

Versus

1. The State of Bihar
2. Usha Devi, Wife of Chandreshwar Sao, Resident of village-Yogipur, Post-
Lohia Nagar, P.S.- Patrakar Nagar, Kankarbagh, Dist- Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the complainant.

2. Both accused/petitioners are named in the

complaint and apprehending their arrest in connection with

Complaint Case No.5279(C) of 2023 in which cognizance

has been taken under Sections 406, 409, 420 and 120-B of

the Indian Penal Code.

3. As per complaint, petitioners alleged to cheat



the complainant as not to act in accordance with agreement to sell for a piece of land. The description of which, is available in para-4 of the complaint petition itself. The complainant alleged to pay Rs.7,13,300/- to petitioners in the year 2003 in furtherance of the agreement of the plot No.2/M/35 of Bahadurpur Housing Colony, Patna.

4. It is submitted by learned counsel appearing for petitioners that the dispute is primarily civil in nature. It is submitted that due to litigation of co-sharer i.e. sister of petitioner no.1, the petitioners were not in a position to execute the sale deed, for which, initially, C.W.J.C. No.11103 of 2013 was preferred by the sister of petitioner no.1, wherein she was directed to file title suit. It is submitted that immediately after executing the agreement to sell with complainant, the petitioner no.1 becomes seriously ill and he is under treatment since 2014 for his various ailments. It is also submitted that complaint in issue was lodged for the occurrence of year 2013 i.e. after ten years of alleged agreement. It is submitted that complainant intentionally left to mention the "execution time" of the



agreement. It is submitted that petitioner no.2 has been implicated with present case only being the son of petitioner no.1. The petitioners claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact, as the dispute primarily civil in nature, where complaint in issue appears to be lodged after ten years of the alleged agreement, accordingly, both above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna in connection with Complaint Case No.5279(C) of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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