

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76372 of 2025**

Arising Out of PS. Case No.-727 Year-2023 Thana- BIHTA District- Patna

Arvind Kumar S/o- Late Chandrika Singh Resident of village- Neuri, PS-Neura (OP Bihta) Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukul Kumar S/o- Parasnath Sharma Resident of village- Neuri, PS-Neura (OP Bihta) Dist-Patna

... .. Opposite Party/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Kumar Ravish, Advocate     |
| For the State        | : | Mr. Upendra Kumar, APP         |
| For the Informant    | : | Dr. Anjani Pd. Singh, Advocate |
|                      |   | Mr. Sunny Kumar, Advocate      |
|                      |   | Ms. Satakashi Singh, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      23-02-2026                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Bihta P.S. Case No. 727 of 2023, dated 16.07.2023, registered for the offences punishable under Sections 419, 406 and 420 of the Indian Penal Code.

3. As per allegation, the petitioner was in need of money and willing to sell his land to the informant. Hence, agreement for sale was executed with payment of Rs. 5,25,000/- as earnest money. Subsequently, total Rs. 44,70,000/- including the initial payment of Rs. 5,25,000/- has also been paid by the



informant. However, despite demand of the informant for the last 6-8 months for registration of the sell of the land in question, the petitioner has not executed the sale deed in favour of the informant and he also flatly refused to do the needful.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. However, the petitioner has admitted that there was agreement of sale and Rs. 44,70,000/- was received from the informant towards consideration amount. However, for want of payment of total consideration amount within nine months stipulated in the agreement for sale, the petitioner has not executed the sale deed, because price of the land has gone up and this is not in the interest of the petitioner to execute the sale deed at the later stage. He also submits that suit for specific performance has been already filed by the informant in the Civil Court against the petitioner and the same is pending consideration of the Court. As such, as per learned counsel for the petitioner, the alleged facts and circumstances constitute a dispute of civil nature and only to harass the petitioner, the criminal color has been given to the civil dispute. He also submits that *mens rea* is sine qua non for making out any *prima facie* case under Sections 419 and 420 IPC and even there is no



application of Section 406, because the petitioner is ready to return the whole money to the informant.

5. However, by way of reply, learned counsel for the informant submits that nine months' time for execution of the sale deed was executed from the date of mutation and issuance of a revenue receipt in the name of the petitioner, but the same has not been done. However, the land has not been mutated in the name of the petitioner himself before selling it. As such, there is no lapse on the part of the informant and total consideration amount of Rs. 44,70,000/- has been already paid. But without any rhyme and reason, the accused-petitioner has not executed the sale deed and hence, *mens rea* is apparent on the part of the petitioner. He also submits that no reason has been given by the petitioner for his failure to get the mutation in his name and getting revenue receipt issued. Hence, there is no rhyme and reason on the part of the petitioner to deny the sale deed, because delay is on his part and this is breach of the contract making the petitioner liable for civil and criminal liability.

6. By way of reply, learned counsel for the petitioner submits that even if the petitioner has failed to get the mutation of the land in his favour, there is no commission of any offence



of cheating or any other offence. Such facts and circumstances only extends the time for execution of the sale deed, but no offence would be made out.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

8. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

9. However, learned APP for the State also vehemently opposes the prayer of the Petitioner for bail.

10. Considering the rival submissions of the parties and the alleged facts and circumstances, it appears that no offence is made out, though the time for execution of the sale deed is getting extended and both the parties are already before the Civil Court in regard to the same issue involved. Hence, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Bihta P.S. Case No.



727 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J)**

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