IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20785 of 2026

Arising Out of PS. Case No.-10 Year-2025 Thana- COMPLAINT CASE - SHERGHATI District- Gaya

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Barkat Ali Khan @ Barkat Ali S/O Late Hasmat Ali @ Hasmat Ali Khan Resident of Village- Rampur, P.S.- Dumariya, District- Gaya,

... ... Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi W/O Rakesh Kumar Resident of Village- Jhikatiya Khurd, P.S.- Immamganj, District- Gaya.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

5 18-08-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a complaint case punishable for the offence under Sections 318(4), 115(2), 352, 351(2) of the B.N.S., 2023.

3. The case of the prosecution is that petitioner agreed to sell 11 decimals of land to complainant/opposite party no. 2 and her *Gotini*, for which, he received Rs. 4,00,000/- (Four Lakhs) from them, but neither petitioner executed the sale-deed nor returned alleged money, rather sold the land in question to another person, and when opposite party no. 2 went to make complain, she was abused and threatened by this petitioner.

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4. Learned counsel for the petitioners submits that from perusal of the complaint petition, it is apparent that there is admitted land dispute between both parties. It further appears from perusal of complaint petition that date of registry was fixed on 13.10.2022, but due to some money dispute, petitioner denied to execute sale-deed in favour of complainant and her *Gotini*, for which, a title suit, bearing Title Suit No. 223 of 2022, is already pending in Civil Court, Sherghati, Gaya. Moreover, the dispute involved in the present complaint petition is with regard to sale and purchase of land, which is purely of civil nature. Present case has been filed only with a view to settle civil dispute and claim. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the fact that dispute is purely of civil nature, title suit is already pending and petitioner claims clean antecedent, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sherghati (Gaya)/concerned Court in connection with Complaint Case No.

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10 of 2025, subject to condition as laid down under Section 438(2) of the Cr.P.C. / Section 482 of the B.N.S.S.

(Prabhat Kumar Singh, J)

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