

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35796 of 2013**

Arising Out of PS.Case No. -94 Year- 2013 Thana -KARPI District- JEHANABAD

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Raghvendra Narayan Rakesh S/O Balmiki Singh Resident Of Village  
Orhbigha, P.S. Banshi O.P., District Arwal.

.... .... Petitioner

Versus

1. The State Of Bihar.  
2. Sri Kanhaiya Ram S/O Krishna Paswan Resident Of Village Mohania,  
P.S. Kargahar, District Rohtas, At Present District Planning Officer, Arwal,  
District Arwal.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Satyendra Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

2     18-03-2016

Heard learned counsel for the parties.

Learned counsel for the petitioner submits that the allegations, as contained in the First Information Report, do not make out a case of criminal breach of trust within the meaning of Section 405 of the Code of Criminal Procedure, in absence of any allegation that from the very beginning, the petitioner had any dishonest intention. He has placed reliance on the Supreme Court decision in the case of Dalip Kaur & ors. v. Jagnar Singh & anr., reported in (2009)14 SCC 696. He has submitted that at best the allegations, contained in the First Information Report, make out a case of breach of contract, which is purely civil in nature and no criminal liability can be attached against the petitioner, on the

basis of allegations contained in the F.I.R..

Learned counsel for the petitioner has, however, after some argument, sought permission to withdraw this application with a liberty to raise the grounds, as taken in the present application at the stage of taking of cognizance or framing of charge or any subsequent stage, as may be permissible under law.

This application stands disposed of with the aforementioned liberty.

**(Chakradhari Sharan Singh, J)**

Surendra/-

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