

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27761 of 2023

Arising Out of PS. Case No.-88 Year-2020 Thana- BAIRIYA District- West Champaran

1. HARI SAH Son of Late Nathuni Sah Resident of village-Haat Saraiya, Police Station-Bairiya, District-West Champaran
2. MAHANTH SAH Son of Late Nathuni Sah Resident of village-Haat Saraiya, Police Station-Bairiya, District-West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 323, 420, 467, 468, 471, 505, 506 of the Indian Penal Code.

3. It is alleged that these petitioners entered into an agreement to sell the land but despite receiving the advance money they did not execute the sale deed in favour of the informant.

4. Learned counsel for the petitioners submits that entire allegation is false and baseless. There is no chit of paper on record regarding the alleged payment to the petitioners. Mere



breach of contract does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction. It is further submitted that compromise has already been taken place between the parties.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P. S. Case No. 88 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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