

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26180 of 2023

Arising Out of PS. Case No.-1227 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. Meera Devi Wife Of Sadan Lal Mandal Village Kathaili, Ekamba ,POLICE Station- Jalalgarh ,DISTRICT Purnia
 2. Manish Kumar Son Of Sadan Lal Mandal Village Kathaili, Ekamba, POLICE Station -JALALGARH, District Purnia
 3. Yamuna Lal Mandal Son Of Late Bhim Lal Mandal Village Kathaili, Ekamba ,POLICE Station -JALALGARH, District Purnia
 4. Amarnath Mandal Son Of Late Bhim Lal Mandal Village Kathaili, Ekamba ,POLICE Station -JALALGARH, District Purnia

... .. Petitioners

Versus

1. The State of Bihar
 2. Braj Kishore @ Braj Kishore Yadav, resident of village Gaura, Police Station Sadar Muffasil District Purnia
- ... Opposite Party

Appearance :

For the Petitioners	:	Mr.Anirudh Mishra, Advocate
For the State	:	Mr.Uma Shankar Pd Singh, Addl Public Prosecutor
for the opposite party no.2	:	Mr. S. Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioners, the State
and opposite party no.2.

2. Petitioners apprehend arrest in a case registered for
the offence punishable under sections 417/406 of the Indian
Penal Code.

3. As per the prosecution case, petitioners entered into
an agreement to sell a piece of land to opposite party no.2 but
despite receiving consideration amount in advance, they neither
execute the sale deed in respect of the land in question to
opposite party no.2 nor did they return the consideration money



to opposite party no.2.

4. Learned counsel appearing for the petitioner denies the allegation and submits that the dispute is purely of civil nature. Mere breach of agreement does not give rise to a criminal prosecution for cheating, unless fraudulent and dishonest intention is shown at the beginning of the transaction. Opposite party no.2 has got other remedy available in law.

5. Learned counsel for the State as well as the opposite party no.2 oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, 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 the Judicial Magistrate 1st class, Purnea in Complaint Case No. 1227 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

