

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41576 of 2023

Arising Out of PS. Case No.-378 Year-2020 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

SURESH SINGH KUSHWAHA Son of Late Umapati Singh Kushwaha
Resident of Village - Mirzapur, P.S.- Dawath, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the informant	:	Mr. Babu Nandan Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-08-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 420, 406 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that this petitioner did not execute the sale deed in favour of the complainant even after accepting the consideration money in advance.

4. Petitioner is not author of cheque. Dispute is of purely civil nature. Mere, breach of agreement does not give rise to criminal offence unless fraudulent intention is shown at the beginning of this transaction. Learned counsel for the petitioner further submits that the petitioner has got other



remedy under Specific Relief Act.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six 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 Additional Chief Judicial Magistrate-II, Bikramganj, Rohtas, in connection with Complaint Case No. 378 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

sanjeev/-

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

