

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49105 of 2023

Arising Out of PS. Case No.-1077 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Sudama Panday @ Sudama Son of Late Pancham Pandey Resident of village - New Godown, P.S. - Kotwali, Distt. - Gaya
 2. Ajay Kumar Son of Sri Sudama Pandey Resident of village - New Godown, P.S. - Kotwali, Distt. - Gaya
 3. Pintu Kumar Son of Sri Sudama Pandey Resident of village - New Godown, P.S. - Kotwali, Distt. - Gaya
 4. Vibha Devi Wife of Sri Ajay Kumar Resident of village - New Godown, P.S. - Kotwali, Distt. - Gaya
 5. Vishal Kumar @ Chhotu Kumar Son of Sri Ajay Kumar @ Ajay Kumar Pandey Resident of village - New Godown, P.S. - Kotwali, Distt. - Gaya
 6. Munni Devi Wife of Sri Pintu Kumar Resident of village - New Godown, P.S. - Kotwali, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dwarika Trigunayat Son of Kamdeo Trigunayat Resident of mohalla - Head Manspur, P.S. - Buniyadganj, Distt. - Gaya. At present mohalla - Panchmahala, P.S. - Vishnupad, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and the

State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 341, 323, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, co-accused Navneeta



Devi is alleged to have entered into an agreement for sale of a piece of land, but after receiving Rs. 17 lakhs she refused to execute the sale deed in favour of the complainant.

4. It is submitted that from bare perusal of complaint petition, it is apparent that agreement for sale was entered into by the co-accused Navneeta Devi and complainant. Not a single farthing has been transferred in the account of petitioners. No financial transaction took place between the petitioners and complainant. Petitioners are only alleged to have abused the complainant. At best it is a case of breach of agreement. Mere breach of agreement does not give rise to criminal prosecution for cheating. Petitioners claim clean antecedent.

5. Counsel for complainant opposed the prayer for bail.

6. Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to 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 the learned Judicial Magistrate Ist Class, Gaya in connection with Complaint Case No. 1077 of 2018, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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