

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54156 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- ARA NAWADA District- Bhojpur

MANJAY KUMAR SON OF Late BINOD MAHARAJ @ BINOD KUMAR
RESIDENT OF VILLAGE- BABU BAZAR, ARA, PS- ARA, TOWN,
DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Sharma, Advocate

For the Opposite Party/s : Mr. Gulnar Begum , Addl. Public Prosecutor n

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 406 and 420 of the Indian
Penal Code.

3. Allegation against this petitioner is that they did not
execute the sale deed in favour of the informant even after
accepting the consideration money from the informant.

4. It is submitted that there is no chit of paper on
record in support of the contention of the informant. In fact the
informant has trapped the petitioner in this false and concocted
case to grab his land. Mere breach of contract does not give rise
to criminal offence of cheating. F.I.R has been lodged after the



delay of 7 years for which there is no plausible explanation and there is no proof of any financial transaction between the informant and petitioner. There is no allegation of making false or misleading representation against this petitioner. . Informant has got remedy under the specific relief act. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named 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 learned Chief Judicial Magistrate , Ara in connection with Nawada P.S. case no. 707 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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