

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53586 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- KHAGARIA COMPALINT CASE District-
Khagaria

=====

GOPAL KUMAR SINGH Son of Late Natho Singh Resident of village -
Rajdham, ward no. 2, P.S. - Mahesh Khunt, Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birendra Kumar Singh Son of Late Medni Singh Resident of village -
Mahesh Khunt, West Tola, P.S. - Mahesh Khunt, Distt. - Khagaria

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s :	Mr. Ram Sevak Choudhary, A.P.P.
	Mr. Mukesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 420, 406, 418 of the
Indian Penal Code.

3. Allegation against the petitioner is that even after
accepting the consideration money, he did not execute the sale
deed in favour of the complainant.

4. It is submitted on behalf of the petitioner that as per
the agreement, entire consideration money was to be paid till
December, 2022 but the complainant did not pay in full and
thus, failed to perform part performance. Moreover, it is a case
of breach of agreement which does not give rise to criminal



prosecution of cheating unless fraudulent intention is alleged right at the time of beginning of the transaction. Complainant has got remedy under the Specific Relief Act. Petitioner has got clean antecedent.

5. Learned counsel for the opposite party No. 2 vehemently opposed the bail application.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his 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) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Khagaria in connection with Complaint Case No. 2C of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Navya/-

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

