

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71915 of 2023

Arising Out of PS. Case No.-16 Year-2020 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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NEELAM DEVI wife of Late Devendra Bhagat @ late Devendra Prasad
Verma Village- Mithahi Ps- Madhepura Dist- Madhepura P/A- Saraiya Ps-
Chautham Dist- Khagaria

... .. Petitioner

Versus

1. The State of Bihar
2. Nand Kishore Sah son of Late Ram Chandra Sah Village- Mathahi Ps-
Madhepura Dist- Madhepura

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 07-11-2023 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 406/420/467/506 of
the Indian Penal Code.
3. As per the prosecution case, petitioner despite
taking consideration money, refused to register the land in
favour of the complainant.
4. Learned counsel appearing for the petitioner denies
the allegation and submits that from perusal of complaint, it is
clear that the consideration money had been taken by the
daughter of the complainant herself. Moreover, 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 opposes 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, Madhepura in Complaint case no. 16 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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