

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2503 of 2023

Arising Out of PS. Case No.-735 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VIRENDRA PRASAD Son of Late Ramdeo Prasad R/V- Rasulpur Jilani
Majhoulia Road, P.S- Kaji Mohammadpur, Dist- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
 2. Lok Kranti Son of Hind Keshari R/V- Race Course Chhakar, P.s- Kaji
Mohammadpur, Dist- Muzaffarpur
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajiv Kumar, Advocate
For the State	:	Mr.Ashok Kumar Singh, Addl Public Prosecutor
for opposite party no.2	:	Mr. Rahul Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner, the State
and opposite party no.2.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 406/420 of the Indian
Penal Code and 138 of the NI Act.

3. As per the prosecution case, the petitioner entered
into an agreement to sell a piece of land but despite receiving
advance amount he did not execute the sale deed in respect of
the land in question to opposite party no.2 and also did not did
not return the advance amount to opposite party no.2.

4. Learned counsel appearing for the petitioner denies
the allegation and submits that the 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 as well as the opposite party no.2 oppose 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 Chief Judicial Magistrate, Muzaffarpur in Muzaffarpur Police Station Case No. 735 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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