

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4625 of 2023

Arising Out of PS. Case No.-918 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Krishna Kumar Sinha Son of Late Shyam Bihari Lal Resident of Village - Chandaurya, P.S.- Kako, District - Jehanabad, At present - Kachchi Ghat, P.S.- Chowk, P.O.- Patna City, District - Patna, Present - Sri Ram Colony, Bengali Colony Road, P.O.- Begampur, P.S.- Chauk Kalan, Patna City, District - Patna - 800009.
 2. Keshav Kumar Sinha Son of Krishna Kumar Sinha Resident of Village - Chandaurya, P.S.- Kako, District - Jehanabad, At present - Kachchi Ghat, P.S.- Chowk, P.O.- Patna City, District - Patna, Present - Sri Ram Colony, Bengali Colony Road, P.O.- Begampur, P.S.- Chauk Kalan, Patna City, District - Patna - 800009.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shubham Gupta Son of Ashok Kumar Gupta Resident of Mohalla - Jhauganj, Patna City, P.S.- Chauk Kalan, P.O.- Patna City, District - Patna - 800008.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-09-2023 Heard learned counsel for the petitioners and the

State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

3. It is alleged that despite receiving the consideration money, the petitioner did not execute the sale deed in favour of the complainant or returned the money.



4. It is submitted that petitioners have already returned the alleged amount to the complainant. This case is purely of civil nature. Mere failure to keep up the promise does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of transaction. Petitioners claim clean antecedent.

5. Counsel for informant 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, Patna in connection with Complaint Case No. 918 of 2021, 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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