

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11424 of 2024

Arising Out of PS. Case No.-908 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Niraj Mishra @ Niraj Kumar Mishra Son Of Sri Bindhyachal Mishra @
Bindheyachal Mishra R/O-Baswariya, Pipal Chowk, P.S.-BETTIAH
(TOWN), Distt.-WEST Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Beer Bahadur Singh @ Dablu Singh S/o Late Nawal Kishor Singh R/o
Mohalla-Chikpatti, P.S.-Bettiah, District-West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Satyendra Narayan Singh, A.P.P.
For the Informant	:	Mr. Rakesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 420 and 506 of the
Indian Penal Code.

3. Case of the complainant, in brief, is that this
petitioner took friendly loan of Rs. 3 lacs from the complainant
over an agreement on stamp paper worth Rs. 500 and when the
complainant demanded the money back, petitioner refused to
return the same.

4. Learned counsel for the petitioner denies the



prosecution case. He submits that mere breach of contract does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction. He further submits that prior to the present case, complainant has also lodged Complaint Case No. 67C/2021 in which he has not made this allegation against the petitioner. Petitioner claims clean antecedent.

5. Learned counsel for the complainant vehemently opposes 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, Bettiah, West Champaran in connection with Complaint Case No. 908C/2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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