

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11399 of 2024

Arising Out of PS. Case No.-1246 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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RAMSEWAK CHAUDHARY Son of Late Prabhu Chaudhary Resident of
Mohalla-Kumhrar, Police Station-Agamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar And Other Patna
2. SUBHODH KUMAR Son of Late Jagadish Prasad Singh Resident of
Mohulla-Maurya Bihar Colony Transport Meyar, P.S.-Agamkuan, District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anil Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner

and the State.

2. Petitioner apprehends arrest in a case

registered for the offence punishable under sections 420,

460, 467, 468 and 504 of the Indian Penal Code.

3. As per the prosecution case, the complainant

(Subhash Kumar) and the petitioner (Ramsewak

Chaudhary) are known to each other. Both of them

entered into an agreement for the sale or purchase of



land on June 1, 2014. According to the agreement, the land in question bearing Tauzi no.15676, Khata no.444, Thana no.14, Khesra Survey Plot no.1674, and Rayat land was situated in Mauza-Pahari, at present P.S.-Agam Kuan, District-Patna. It is alleged that for 2327.3 sq. ft. of land, the rate was sold as 10,00,000/- (ten lacs). The accused had taken Rs. 2,51,000 (two lacs fifty-one thousand) on June 1, 2014, on the date of the agreement. The petitioner had to get the Baibeyana property registered in favor of the complainant from the original owner, Mamta Kumari, within six months, but later the petitioner started delaying the registration. Then, the complainant came to know that Mamta Kumari had not made any *baibeyana* in front of the petitioner. On being asked by the complainant, the applicant accepted the point and agreed to return Rs. 6,00,000 (six lakh) along with the amount of *baibeyana*. Cheques were given by the petitioner to the complainant, but the check bounced, due to which the complainant sent a notice to the petitioner, to which he did not respond. On July 12,



2017, the petitioner abused and threatened the complainant for life on the phone, and then on December 13, 2017, when the complainant asked him to return the alleged amount, the petitioner refused to do so .

4. The learned counsel for the petitioner denies the prosecution case and submits that only bald statement has been made against the petitioner and at best, it is a case of breach of agreement and mere breach of agreement does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction . As such, no offence of criminal breach of trust is made out against the petitioner. Moreover, dispute is purely civil in nature .

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named 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 learned JM 1st Class, Patna City in connection with Complaint Case No. 1246(C) of 2017 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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