

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15638 of 2024

Arising Out of PS. Case No.-1415 Year-2023 Thana- NAWADA District- Nawada

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1. Prem Kumar Sinha Son Of Raghubansh Prasad Resident of Village - Birnol, P.S. - Atri, District - Gaya
 2. Devenand Prasad @ Devnandan Prasad Son Of Raghubansh Prasad Resident Of Village - Birnol, P.S. - Atri, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mani Kumar Son Of Ramjee Prasad Resident Of Village - Purani Bajar Nawada, P.S. - Nagar, District - Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-03-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 420 / 406 of the Indian Penal Code.

3. It is alleged that these petitioners, after receiving advance consideration money, refused to execute sale-deed in favour of the informant.

4. It is submitted on behalf of petitioners that admittedly, petitioners alongwith their mother entered into an agreement with the informant for execution of the land in favour of the informant. As per the agreement, the date fixed for execution of sale-deed was 11.11.2019, but even after expiry of said date, the informant neither paid the agreed consideration



amount nor any step was taken by him. Moreover, the dispute is purely of a civil nature. It is further submitted 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. Merely on the allegation of failure to keep up promise will not be enough to initiate criminal proceedings.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of petitioner.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Nawada Town P.S. Case No. 1415 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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