

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15873 of 2024

Arising Out of PS. Case No.-531 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ashok Kumar @ Ashok Ram S/o Late Haricharan Das R/o Mohalla- Anand Bajar Danapur Cantt, P.S.- Danapur, District- Patna
 2. Somariya Devi @ Somari Devi @ Sonari Devi W/o Ashok Kumar @ Ashok Ram R/o Mohalla- Anand Bajar Danapur Cantt, P.S.- Danapur, District- Patna
 3. Ravicharan Das S/o Ram Narayan Ram R/o Mohalla- Anand Bajar Danapur Cantt, P.S.- Danapur, District- Patna
 4. Avinash Kumar @ Tinku S/o Ravi Charan Das R/o Mohalla- Anand Bajar Danapur Cantt, P.S.- Danapur, District- Patna

... .. Petitioners

Versus

1. The State of Bihar
2. Pappu Kumar @ Pappu Lal Son of Late Budhan Ram Raut R/o Mohalla- Anand Bajar Danapur Cantt, P.S.- Danapur, District- Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners, the State and opposite party no.2.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 406,420,379,34 and other ancillary sections of the Indian Penal Code.

3. As per the prosecution case, petitioners took consideration money but they did not execute the sale deed in favour of the complainant.

4. It is submitted on behalf of the petitioners that the instant complainant has been lodged on forged documents. Dispute is predominantly of civil nature At best, it is a case of



breach of agreement which cannot give rise to a criminal prosecution for cheating, unless fraudulent and dishonest intention is shown at the beginning of the transaction. Moreover, Title suit no. 174 of 2021 has already been filed by opposite party no.2 in the Court of Suj Judge V, Danapur. Petitioners claim clean antecedent.

5. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, 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 Judicial Magistrate 1st class, Danapur, Patna in Complaint Case No. 531 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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