

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18535 of 2024

Arising Out of PS. Case No.-944 Year-2022 Thana- DANAPUR District- Patna

1. Aman Kumar S/O Shri Anil Kumar @ Anil Kumar R/O Gabhatal, Gandhi Nagar, Danapur, P.S- Danapur, Distt.- Patna.
2. Anket Kumar @ Amit Kumar @ Shri Ankit Kumar S/O Shri Anil Kumar @ Anil Kumar R/O Gabhatal, Gandhi Nagar, Danapur, P.S- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21786 of 2024

Arising Out of PS. Case No.-944 Year-2022 Thana- DANAPUR District- Patna

Shri Anil Kumar @ Anil Kumar Son Of Late Vasudev Singh R/O-Gabhatal, Gandhi Nagar, Danapur, P.S.-danapur, Distt.-patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18535 of 2024)

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.
For the Informant : Mr. Shubham Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 21786 of 2024)

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-06-2024 Heard learned counsel for the petitioners, informant
and the State.

2. Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 420, 467, 468, 471, 385



and 120(B) of the Indian Penal Code.

3. It is alleged that the petitioners have caused loss of crores of rupees by troubling developers and by creating unethical pressure and they have also canceled the registered development agreement. It is further alleged that these petitioners became Directors of the company by producing forged documents.

4. Learned counsel for the petitioners submits that petitioners these petitioners are only alleged to be the witnesses of the agreement which was made between the developer and the owner. It is further submitted that at best, it is a case of breach of contract. 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. It fact, it was the informant who committed forgery and for which an application has been filed by the petitioners' side bearing Case No. 288 of 2022 before the Nagar Parishad, RERA Authority, Civil Court, Danapur, Patna in which RERA license given to the builder has been challenged by the petitioners. Petitioners are victim of circumstances and they have committed no criminal offence. Petitioners claim clean antecedent.

5. Considering the aforesaid facts and circumstances



of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their 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) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- 1st, Danapur, Patna in connection with Danapur P. S. Case No. 944 of 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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