

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19818 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- BIHTA District- Patna

1. Nand Kumar S/o- Late Sukhnandan Ray Village- Painathi Ps- Bihta Dist- Patna
2. Sumitra Devi wife of Nand Kumar Village- Painathi Ps- Bihta Dist- Patna
- Petitioner/s

Versus

1. The State of Bihar
2. Anesh Kumar son of Late Baijnath Ray Village Po- Painathi Ps- Bihta Dist- patna
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Sinha, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 406, 420, 379, 504 and 34 of the I.P.C.

3. As per the prosecution case, it is alleged that after receiving the consideration money in advance, these petitioners did not execute the sale deed in favour of the informant.

4. It is submitted by learned counsel for the petitioners that it is purely a case of civil nature and criminal colour has been given only with a view to extort money from the petitioners. Mere breach of agreement does not amount to criminal offence unless there is fraudulent and dishonest intention from the very beginning of transaction. Petitioners got

remedy in the civil laws before the complaint case of Civil Court. Petitioners claims clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances and clean antecedents of the petitioners, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st, Danapur, District- Patna/Concerned Court in connection with Bihta P.S. Case No. 228 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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