

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36129 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- BETTIAH CITY District- West Champaran

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Brijesh Pandey @ Brijesh Kumar Pandey @ Pintu Pandey Son Of
Ramashankar Pandey Village- Kamalnath Nagar, Ps- Bettiah (TOWN), Dist-
West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, A.P.P.

Mr. Dhananjay Kumar No.2, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 30-09-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 341, 323, 506, 420,
408/506 of the Indian Penal Code.

3. As per the prosecution case, informant is elder
brother of the petitioner and their parents live with the
petitioner. Informant alleges that the house is in the name of
their mother and its value is Rs.44 lacs. It was agreed between
the parties that as soon as informant pays Rs.22 lacs to the
petitioner, the house in question shall be transferred by their
mother in favour of the informant by way of registered sale



deed. Informant paid Rs.22 lacs to the petitioner executing Ekrarnama on 13.4.2022. Later on, petitioner neither brought the mother at Bettiah for registration of the deed nor did he return the money already paid to him for the said land.

4. Learned counsel appearing for the petitioner denies the allegation and submits that the petitioner and his mother has never executed so called Ekrarnama dated 13.4.2022 and even petitioner has not enclosed said Ekrarnama with the FIR. It is further submitted that the dispute is purely of civil nature. Besides this, mere breach of agreement does not give rise to a criminal prosecution for cheating, unless fraudulent and dishonest intention is shown at the beginning of the transaction. Opposite party no.2 has got other remedy available in law.

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

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned 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 Chief Judicial Magistrate, Bettiah, West Champaran in Bettiah Town Police Station Case No. 08 of



2024, subject to the conditions laid down under section 438(2)
of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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