

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70989 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

1. Sarita Devi W/o Vinay Kumar Singh Resident of Village- Bijhoura, Post- Kukudha, P.S.- Itarhi, District- Buxar
2. Kameshwar Singh S/o Late Kamta Singh Resident of Village- Bijhoura, Post- Kukudha, P.S.- Itarhi, District- Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Anand Kumar Ojha, Advocate
For the Opposite Party : Mr.Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-10-2024 Heard learned counsel for the parties.

2. The petitioners apprehend arrest in a case registered for the offence under Sections 406, 420, 506, 34 of the Indian Penal Code.

3. It is alleged that these petitioners, in spite of taking consideration money from the informant, neither executed sale deed in favour of the informant nor returned his money.

4. It is submitted on behalf of petitioners that the dispute is purely of a civil nature. In this regard, the informant has already filed a money suit in the court of learned Civil Judge (Senior Division) 1st Buxar, vide Suit No. 2/2022. 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. Petitioners have got clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners 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 learned C.J.M., Buxar in connection with Buxar (Muffasil) P.S. Case No. 131 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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