

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79852 of 2023

Arising Out of PS. Case No.-162 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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SANDEEP KUMAR Son of Yogendra Lal R/o Sahdara Ramdhani Road, P.s. -
Malsalami, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Prakash Mandal Son of Late Bindeshwari Prasad Sahu R/o
C/19 Shankar Bhawan, Sector 5A Naurani Bagh Colony Tripolia, P.S. -
Alamganj, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar , Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad , APP
For O . P . No. 2	:	Jai Kishore Sharma, Advocate Yogesh Kumar , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner, O. P. No.

2 and the State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 420 of the Indian Penal
Code.

3. As per the complaint case, the petitioner is alleged
to have taken a friendly loan of Rs. 15 lakh but did not return
the amount on time.

4. It is submitted on behalf of the petitioner that it is
a pure and simple case of breach of contract. He further submits
that a 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 is purely a case of civil dispute . Petitioner claims clean antecedent.

5. Learned counsel for the State and O. P. No. 2 vehemently oppose the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named 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 learned J M 1st class Patna in connection with Complaint Case No. 162 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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