

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82818 of 2023

Arising Out of PS. Case No.-1427 Year-2007 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. MD. ATABUL KHAN @ MD. ATABUL @ CHHOTU KHAN @ ATABLE KHAN S/O LATE MAJID KHAN R/O MOHALLA SHIVDHAM, TARBANA, P.S- K. HAT, DISTT.- PURNEA.
 2. MD. HASIB S/O LATE RAHMAN KHAN R/O SIPAHI TOLA, P.S- K. HAT, DISTT.- PURNEA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BIRKHI DEVI W/O RAM AYODHAYA SHARMA STAYING INT HE HOUSE OF SATYA NARAYAN DAS, COLLEE, CHAUK MOHALLA K. HAT, P.S- K. HAT, DISTT.- PURNEA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and the

State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 420, 120B of the Indian Penal Code.

3. It is alleged that these petitioners did not execute the sale deed even after receiving the consideration money from the informant.

4. It is submitted on behalf of the petitioners that from the bare perusal of the complaint, it is apparent that the



alleged money was taken by the co-accused No. 3 of the complainant petition . Moreover, it is a case of breach of contract and 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 . Petitioners claim clean antecedent.

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, 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/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the J M, 1st Class, Purnea in connection with Complaint Case No. 1427/2007, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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