

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82721 of 2023

Arising Out of PS. Case No.-585 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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RINTU SINGH @ VIVEK KUMAR SON OF LATE NAND KISHOR
SINGH R/O VILLAGE- SIKARIYA, P.S.- PALIGANJ, DIST.-PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BITTU SINGH SON OF MAHENDRA SINGH R/O VILLAGE-
BAHPURA, P.S.- BIHTA, DIST.- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Satish Chandra, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar, A.P.P.
	Mr. Vibhuti Ranjan, Advocate
	Mr. Sonvadra, Advocate
	Mr. Pratik Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner, complainant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 406/34 of the Indian
Penal Code and Section 138 of the Negotiable Instruments Act.

3. As per the complaint case, the petitioner took the
consideration amount of Rs. 3,50,000/- but did not deliver the
tractor and trailer to the complainant which was purchased by
the complainant from the petitioner and when the complainant
demanded the money back, this petitioner gave him cheque that
got dishonoured due to insufficient funds.



4. It is submitted that on behalf of the petitioner that from perusal of the F.I.R. it is not clear as to who has given the cheque to the complainant. He further submits that at best, it is a case of breach of contract and mere breach of contract does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning. Petitioner claims clean antecedent.

5. Learned counsel for the complainant vehemently opposes the bail application.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Judicial Magistrate, 1st Class, Danapur, Patna in connection with Complaint Case No. 585(c) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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