

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1855 of 2024**

Arising Out of PS. Case No.-465 Year-2020 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

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Prashuram Sharma S/o Late Dukhi Mistri Village and P.S-Tandwa, District-  
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

- 2      07-02-2024                      Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offences punishable under Section 406 of the Indian Penal Code.
3. As per prosecution case, this petitioner, on the pretext of selling land, took Rs. 2,05,000/- from the complainant but refused to sell the land and did not return the money.
4. Learned counsel for the petitioner denies the prosecution case and submits that it is case of civil dispute. He further submits 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. Petitioner claims clean antecedent.



5. 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 Additional Chief Judicial Magistrate-II, Aurangabad in connection with Complaint Case No. 465/2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

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