

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1820 of 2024

Arising Out of PS. Case No.-384 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

Gayatri Narayan D/O Bansh Narayan R/O- B-2 Vinita Villa, Bailey Road,
Jagdeo Path, P.O- B.V. College, Dist. Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Dhiraj Prasad Gupta @ Dhiraj Kumar Gupta S/O Bajrangi Prasad Gupta
R/O - Station Road Basawan Path, P.O And Ps. Dalmianagar, Dist. Rohtas,
Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Alok Ranjan, Advocate
For the Opposite Party/s :	Mr.Umesh Lal Verma, Addl Public Prosecutor
	Mr. Rajesh Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 20-06-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 467, 468, 471, 504/34
of the Indian Penal Code.

3. As per the prosecution case, on 16.01.2019
petitioner entered into agreement with the complainant for
transporting goods from Pahleja Sone Nagar, Railway rack point
to M/s Ware House as per rate of transportation mentioned in
the agreement. It has been alleged that complainant completed
the transport work but petitioner did not make payment of Rs.
37,43,230.41/ to the complainant. It has been further alleged



that as per agreement petitioner had to pay the amount after receipt of money from the Government but despite receiving money from the Government, she did not make payment of the amount which was to be paid and thereby deceived the complainant several times alleging that he has not received the amount from the government.

4. Learned counsel appearing for the petitioner submits that the complainant and one Abhishek Singh, both were deputed by the petitioner to look after the work on behalf of petitioner and accordingly an agreement was signed between them and in terms of conditions of agreement, they had to give two cheques, which they did hand over to the petitioner. In fact, the aforesaid cheques were to be given against any loss suffered by the petitioner during execution of work to be completed by the complainant. It is further stated that complainant and witness to the present case have been entrusted the work to lift the wheat and rice from the railway rack and to deliver it in the godown of Nitu Singh, W/O. Balbir Singh. Complainant had taken a poulain machine on rent of Rs. 1,75,000/- per month from the petitioner, for which there was an agreement between the parties, even then nothing was paid to the petitioner. Ultimately, petitioner's poulain machine was



released from the custody of the complainant on the order of the Court, with the help of police, after institution of FIR being Dehri P.S case no. 470 of 2020 and total dues to be paid to the petitioner against rent and maintenance of the Poclain machine is Rs. 39,59,745/-.

5. Lastly, it is submitted that the dispute is purely of civil nature. Mere breach of agreement does not give rise to a criminal prosecution for cheating, unless fraudulent and dishonest intention is shown at the beginning of the transaction and opposite party no.2 has got other remedy available in law. Petitioner is a lady and claims clean antecedent.

6. Learned counsel for the State as well as the opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that though as per conditions of the agreement, complainant/ opposite party no.2 completed the transportation work but petitioner did not make payment of Rs. 37,43,230.41/ to the complainant and thus he cheated the complainant.

7. Considering the aforesaid facts of the case as well as the fact that the petitioner is a lady and the dispute is purely of civil nature, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the



petitioner, mentioned 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 Judicial Magistrate 1st class, Dehri-on-sone, Rohtas in Complaint Case No. 384 of 2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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