

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49780 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- PUNAURA District- Sitamarhi

Vishwanath Ray @ Bishwanath Rai S/o Deep Narayan Rai R/o Village-
Govind Fandah, Ward No.2, P.S.- Punaura, Dist- Sitamarhi
... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Ram Padarth Rai S/o Late Bachchu Rai R/o Vill- Sanjeev Nagar, Ward No.
20, P.S.- Punaura, Distt- Sitamarhi

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rana Vikram Singh, Advocate and Mr.Hans Lal Kumar Advocate
For the State	:	Mr.Navin Kumar Pandey, A.P.P.
For the informant		Mr. Udit Narayan Singh, Advocate Mr. Virendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-08-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in connection with
Punaura P.S. Case No. 180/2024, registered u/s.
127(1),115(2),329(3),74, 303(2),316(2),318(4),352,351(3),3(5)
of B.N.S.2023.

3. As per the prosecution case, on 24.07.2024 at about
9 P.M.. all the accused persons named in the F.I.R. including



four unknown persons, armed with deadly weapons, came to doors of the informant/ opposite party no.2 and began abusing him in vulgar language. Thereafter, on instigation of the petitioner, co-accused Jinish Rai and Shiv Mangal Rai entered the house of the informant and started dragging him out of the house. Meanwhile, informant's wife came to rescue him but the accused persons assaulted her and disrobed her. All the accused persons assaulted informant by means of iron rod and lathi and threatened him. On hearing hullah, neighbours arrived and the accused persons fled away giving threatening to him. As per FIR, motive behind alleged occurrence is that accused persons took bricks of Rs. 45,00,000/-, coal of Rs. 15,00,000/- and cash Rs. 5,00,000/- from the informant for constructing two brick-kilns but they did not return the same. It is alleged that petitioner handed-over two cheques to the informant which got dishonoured.

4. It has been submitted on behalf of the petitioner that the petitioner is innocent and has committed no offence. Petitioner and informant were business partner and due to dispute of money of Brick-kiln which was purchased by Naveen Kumar in the year 2019 from the petitioner, present case has been by informant with malifide intention, whereas informant



has received the alleged amount from the petitioner for which informant has executed a receipt on 100 rupees stamp paper on 22-12-2023. In fact, the informant and his two son-in-laws Navin Kumar and Kundan Kumar stealthily kept 20 blank cheques of the petitioner for which petitioner had lodged Dumra P.S. Case No. 563/2024 and only with a view to put pressure and blackmail the petitioner, this false case has been filed. Learned counsel further submits that offence of cheating would only be attracted when accused has fraudulent or dishonest intention at the time of making promise or representation and pure and simple breach of contract does not constitute an offence of cheating.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight 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 Chief Judicial Magistrate, Sitamarhi in Punaura Police Station Case No. 180 of 2024, subject to the conditions laid down under section 438(2) of the



Code of Criminal Procedure.

Shashi

(Prabhat Kumar Singh, J)

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