

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69975 of 2025

Arising Out of PS. Case No.-476 Year-2022 Thana- COMPLAINT CASE - SHERGHATI
District- Gaya

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- 1 . Suman Kumari S/o- Subodh Kumar Sudhanshu Resident of Dariaura PS- Gurua, Dist- Gurua
 2. Subodh Kumar Sudhanshu S/o- Late Bhawani Shankar Singh Resident of Dariaura PS- Gurua, Dist- Gurua

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Sanjay Kumar S/o- Vijay Singh R/v- Samod Bigha W.No-2, Nagar Parishad Sherghati Po Ps- Sherghati Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amritanshu Dangi , Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-10-2025 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 and 406 of IPC .

3 . The prosecution case , in brief, is that petitioner No. 1 made an agreement with the complainant to execute the land of 5 decimal at the rate of Rs. 15.5 lakh out of which Rs. 1 lakh was paid to the accused persons as advance by complainant. It is further alleged that after sometime , complainant came to know that accused persons sold the land



in question to other party and thus committed cheat with him. When complainant asked to return the advance money of Rs. 1 lakh , accused persons denied and threatened him with dire consequences.

4. It is submitted on behalf of the petitioners that petitioners are innocent and have committed no offence as alleged. Though, there is allegation against petitioner No. 1 that he was paid Rs. 1 lakh , at the time of agreement but complainant has not disclosed the mode of payment. As a matter of fact, petitioner has not received any singly penny from complainant. So far as, petitioner No. 2 is concerned, he has been made accused in this case because he happens to be husband of petitioner No. 1 . At best, it is a case of breach of contract/agreement which does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction . Petitioners claim clean antecedent.

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

6 Considering the aforesaid facts, clean antecedent of these petitioners and other circumstances of the case , in the event of arrest or surrender within eight 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 learned ACJM II Sherghati Gaya in connection with Complaint Case No. 476 of 2022 , subject to the conditions laid down under section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) , 2023 .

(Prabhat Kumar Singh, J)

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