

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76420 of 2024

Arising Out of PS. Case No.-3048 Year-2023 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Deepak Kumar @ Battish S/O Sri Laddu Rai @ Laddulal Mahto R/O Village-
Bachhauta, Ward No. 1, Police Station- Morkahi, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bhagirath Singh, Son of Late Ramjee Singh, resident of village Narharpur,
P.S. Jandaha, District Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Singh, Advocate
For the State	:	Mr. Arvind Kumar Pandey, APP
For the O.P. No.2	:	Mr. Hemant Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 5 08-05-2025 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 420 and 504 of
the Indian Penal Code.
3. The prosecution arises out of a complaint filed by opposite
party no.2, wherein there is an allegation on the petitioner that
despite taking money to the tune of Rs. 11 lakhs from the son
of the complainant, the petitioner has not honoured his promise
and neither supplied the labour to the son of the complainant
nor returned the money.
4. It is submitted by learned counsel for the petitioner that



as a matter of fact, there is no written agreement between the parties but, however, the labour had been supplied to the brick kiln of the complainant's son and the payment, which the complainant's son had to make to the labour, was not done. Hence, the total wages of the labour, which became due was Rs.7,25,000/- It is, thus, submitted that the dispute is primarily of civil nature and no criminal prosecution would be made out in the present set of facts. It is further submitted that nothing has been done in view of which it can be stated that the petitioner had the intention to cheat the complainant right from the inception.

5. Learned APP for the State and learned opposite party no.2 opposes the prayer for bail. Learned counsel for the opposite party no.2 submits that at least Rs.5 lakhs and odd amount was given to the petitioner in his account but the labour was not provided by the petitioner, hence the petitioner is liable for the offence of cheating and criminal breach of trust.

6. Taking into consideration the fact that there is a claim and counter claim and the matter is predominantly civil in nature and also basically relates to not honouring the promise or agreement, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be



released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.3048 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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