

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37445 of 2014

Arising Out of PS.Case No. -67 Year- 2014 Thana -HUSAINGANJ District- SIWAN

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1. Awadhesh Manjhi, S/o Shiv Shankar Manjhi
2. Bipati Devi, W/o Shiv Shankar Manjhi
3. Subhawati Devi, W/o Sanjay Manjhi, All are R/o Village + P.S. -
Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruby Devi W/o Late Dinesh Manjhi R/o Village - Kausar, P.S.-
Raghunathpur, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Uma Nath Mishra (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 26-03-2015 This application under Section 438 of the Code of Criminal Procedure is filed for grant of anticipatory bail in relation to Hussainganj P.S. Case No.67 of 2014.

The 2nd respondent submitted a complaint alleging that the petitioners have appropriated the amounts which, in fact, were payable to her.

Briefly stated, the facts are that the husband of the complainant, by name Dinesh Manjhi was the son of 2nd petitioner and he is said to have died while working in a private organization. The 2nd respondent submitted complaint alleging that the petitioners have taken the compensation to her detriment.

ABP No.802 of 2014 filed in the Court of Sessions Judge, Siwan

was dismissed on 07.08.2014.

Heard learned counsel for the petitioner and learned APP for the State.

The dispute between the petitioners, on the one hand, and the 2nd respondent, on the other hand, is about entitlement to receive the compensation on account of death of the deceased. Even if what is pleaded by the 2nd respondent is true, *prima facie*, it is a case for settlement of dispute between the parties or adjudication in a Civil Court. This Court is of the view that arrest of the petitioners is not necessary in relation to such a case.

Hence, this application is allowed. In the event of arrest, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Hussainganj P.S. Case No.67 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(L. Narasimha Reddy, CJ)

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