

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32640 of 2015

Arising Out of PS.Case No. -439 Year- 2014 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

- =====
1. Sanju Thakur Wife of Sanjay Thakur
2. Sanjay Thakur Son of Bhola Nath Both resident of Village- Gobar Sani,
Gandhi nagar, P.s- Sadar District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 14-08-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Sadar P.S. Case No. 439 of 2014, disclosing offences under
Sections 384,386,406,409,420,467,468 and 120B of the Indian
Penal Code.

From the First Information Report, it appears that the
petitioners are husband and wife and sold some property in favour
of the complainant for consideration money of rupees four lacs
against which the complainant had paid 2.7 lacs. The sale deed
was executed thereafter. It is the case of the complainant that the
complainant had given a cheque worth Rs. 1,25,000/- in favour of

the petitioners and subsequently on the demand of the petitioners they paid 1,25,000/- in cash but the petitioners did not return the cheque.

Learned counsel for the petitioners submits that no cheque worth Rs. 1,25,000/- has been encashed by these petitioners. He further submits that the petitioners are ready to hand over to the informant, the cheque, once the entire amount is paid to him. He denies that the said amount of Rs. 1,25,000/- was paid to the petitioners in cash. He contends that it is primarily a civil dispute between the parties and criminal case has been maliciously instituted.

In view of the submissions as noted above, nature of allegation and the nature of dispute between the parties, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in Sadar P.S. Case No. 439 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall

present themselves before the Police/Court, as the case may be,
and when required and in the event of failure on their part to
appear before the Court on two consecutive occasions, their bail
bonds shall liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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