

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47288 of 2014

Arising Out of PS.Case No. -139 Year- 2014 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Ajay Kumar @ Ajay Kumar Sinha Son of Late Bhattu Mahto
2. Gyatri Sinha Wife of Ajay Kumar
Both are resident of Village - Rannu Bigha, P.S. : - Ben, District : -
Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL ORDER

2 23-04-2015 Heard Mr. Akhileshwar Prasad Singh, learned senior counsel, assisted by Mr. Hansraj, learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant/informant.

The petitioners apprehend arrest in connection with Hilsa P.S. Case No. 139 of 2014 dated 21.04.2014 instituted under Sections 341/323/504/420/406/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the plain reading of the F.I.R., it would be apparent that criminal case has been instituted basically for recovery of the

money which is said to have been given by the informant to the petitioner and not returned. Learned counsel submits that the parties being close agnates, the allegation of abuse and slap and also taking away of Rs. 5000/- from the pocket of the informant is cosmetic. Learned counsel submits that the petitioners have no criminal antecedent and for recovery of the money, if actually due to the informant, there is remedy under the common civil law before the Civil Court of competent jurisdiction and the present case, in any view of the matter, is an abuse of the process of the Court.

Learned A.P.P. and learned counsel for the complainant/informant oppose the prayer for anticipatory bail and submit that there is criminal intent right from the beginning of not returning the money taken and that is why the petitioners are required to be prosecuted on the criminal side also besides whatever remedy the informant may have.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Chief Judicial Magistrate, Nalanda at Bihar Sharif in Hilsa P.S. Case No. 139 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,

1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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