

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25880 of 2015

Arising Out of PS.Case No. -673 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Munni Khatoon, wife of Ali Asgar
2. Ali Asgar, Son of Late Md. Sukhari
Both are Resident of Village- Damodarpur, Police Station- Kanti, District- Muzaffarpur.

..... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Yousuf Son of Late Ali Asgar, resident of Village- Damodarpur, Police Station- Kanti, District- Muzaffarpur.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan
For the Opposite Party/s Mr. Binod Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 27.07.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for complainant.

Allegedly, petitioners took loan of Rs 6/- lakhs from the complainant but they returned only Rs 2/- lakhs and when the complainant went at the house of the petitioners and demanded his remaining money, petitioners allegedly assaulted him and also committed theft in the house of the complainant.

Learned counsel for the petitioners submits that, as a matter of fact, complainant had himself taken loan from the petitioners and when the petitioners demanded their money, complainant lodged this false case but prior to filing of the present complaint, petitioners had already filed informatory

petition in the court.

Learned counsel appearing for the complainant submits that prima facie case under section 420, 504 and 406 of the Indian Penal Code has been found by the enquiry court and there was clear cut intention of the petitioners to cheat the complainant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am of the opinion that it is a case of civil dispute and the complainant may seek appropriate relief before appropriate forum.

Accordingly, it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, West), Muzaffarpur in Complaint case no. 673/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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