

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41658 of 2016

Arising Out of PS.Case No. -322 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Ramashankar Paswan S/o Late Jagnarayan Paswan @ Jainarayan Paswan.
2. Anil Paswan alias Anil Kumar
3. Sunil Paswan @ Sunil Kumar
2 and 3 are sons of Ramashankar Paswan
All resident of village- Sondihara, P.S.- Bhabua, District- Kaimur at Bhabua. At present Adjacent to P.N.B. Mohania, P.S.- Mohania, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 29-09-2016 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mohania Police Station Case No. 322 of 2016, disclosing offences under Sections 341/323/406/34 of the Indian Penal Code.

The petitioner no. 1 and the informant are full brothers; whereas, petitioner nos. 2 and 3 are sons of petitioner no. 1.

It is alleged that the petitioner no. 1 had taken from the informant a sum of Rs. 3,70,000/- for the purpose

of running a petrol pump. On demand, the petitioner no. 1 is said to have refused to pay and assaulted the informant.

Learned Counsel appearing on behalf of the petitioners has submitted that much before lodging of the present First Information Report, a title suit, being Title Suit No. 5580 of 2014 was instituted for partition between the petitioner no. 1 and the informant. The petitioner no. 1 and the informant being on litigating terms, learned Counsel for the petitioners has submitted that there would have been no question of giving the said amount as loan by the informant to the petitioner.

Considering the nature of dispute, which has been raised by way of submissions advanced on behalf of the petitioners, this application is allowed.

Let the petitioners, namely, Ramashankar Paswan, Anil Paswan and Sunil Paswan, 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, Bhabhua, Kaimur, in connection Mohania Police Station Case No. 322 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as 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 be liable to be cancelled.



(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

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