

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46618 of 2016

Arising Out of PS.Case No. -398 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Md. Mustafa @ Md. Mustufa
2. Md. Mustak Both Sons of Late Md. Maniruddin
3. Md. Meraj Son of Md. Mustafa
4. Ashma Khatoon Wife of Md. Mustafa All resident of Village- Fakuli,
P.S. Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Moim Sah, Son of Abdul Aziz Sah, Resident of Village- Harchanda,
P.S. Kanti, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 02-12-2016 Heard both sides.

The petitioners apprehend their arrest in Complaint Case
No. 398/2013, registered for the offences punishable under
Sections 406, 420, 504 and 34 of the Indian Penal Code.

The complainant alleged that on 10.08.2012 Maniruddin
father of Md. Mustafa petitioner no. 1 and Md. Mustak petitioner
no. 2, borrowed Rs. 1,95,000/- on assurance to return the money
by 13.01.2013 and if he failed to return the money, he would
execute sale deed of land, but unfortunately, Maniruddin died in
the month of December, 2012. The complainant approached the



wife and sons of Maniruddin. Sons of Maniruddin assured to execute the sale deed. He also gave Rs. 30,000/- to the accused, but they refused to execute the sale deed.

Learned counsel for the petitioners submits that there is no chit of paper to show that father of petitioner no. 1 and petitioner 2 borrowed any money from the complainant. The case has been filed making false allegation of borrowing money and assault, for creating undue pressure on the petitioners.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, West Muzaffarpur in connection with Complaint Case No. 398/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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