

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39318 of 2016

Arising Out of PS.Case No. -1906 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

- =====
1. Bihari Lal Prasad
 2. Kiran Devi
 3. Amit Kumar

.... Petitioner/s

Versus

1. State of Bihar
2. Priyaranjan Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 30-09-2016 Heard the learned counsel for the petitioners, the learned counsel for the complainant/ opposite party No.2 and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Complaint case No. 1906/ 2013 for the offences allegedly committed by the petitioners under Section 406, 420 of the Indian Penal Code.

The complainant alleged that the petitioners are his relatives and they were in dire necessity of money. The complainant gave Rs. 3 lacs to the petitioners after obtaining hand notes from them but the petitioners did not return the money.

The learned counsel for the petitioners submits that petitioners have not taken any loan from the complainant. The

complainant had taken loan of Rs. 5 lacs from the petitioners but only Rs. 3 lacs was returned to them and for that the petitioners filed complaint case in the court of learned S.D.J.M. Raxaul. It is further submitted that complainant has also filed Money Suit for recovery of the amount and the dispute arose for payment and non payment of loan.

On the other hand, the learned counsel for the complainant and learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submitted that complainant never took any loan from the petitioners but the petitioners filed a false case. The petitioners cheated the complainant by not returning the money. The complainant had filed the hand note bearing the signature of the petitioners.

Considering the facts aforesaid and the fact that the dispute arose due to payment and non payment of loan and that the complainant has already filed a Money Suit for realization of the amount, the above named petitioners, in the event of their arrest or surrender before the learned 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

Muzaffarpur in Complaint Case No. 1906 of 2013 (Trial No. 1960/16), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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