

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16216 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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1. Nishant Kumar Pathak @ Nishant Kumar @ Munmun Pathak,
2. Chunmun Pathak @ Anil Kumar Pathak
Both son of Vishram Pathak,
Both resident of Village- Niyagipur, P.S.- Simari, District- Buxar.
At present resident of Mohalla- Civil Line Buxar, P.S.- Buxar Town,
District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Akshayawar Singh, son of Subhash Singh, resident of village- Gahmar,
District- Gajipur (U.P.)

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
Sri Raghwendra Pratap Singh

For the Opposite Party/s : Smt. Asha Devi
Sri Rajni Ranjan Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5 06-07-2017 Heard Sri Nachiketa Jha, learned counsel , assisted by

Sri Raghwendra Pratap Singh , learned counsel for the petitioners.

None appeared on behalf of the State, whereas Sri Rajani Ranjan
Prasad Singh, learned counsel, has appeared on behalf of the
complainant /informant.

Two petitioners, apprehending their arrest in Ara
Nawada P.S. Case No. 104 of 2016 , registered for the offence



under section 406, 420/ 34 of the Indian Penal Code , which was registered on the basis of a complaint case i.e. Complaint Case No. 599c of 2015, have prayed for grant of anticipatory bail.

By way of referring to the F.I.R. as well as complaint petition , learned counsel for the petitioners submits that in a dispute of civil nature, criminal color has been given. Learned counsel for the complainant opposes the prayer. He submits that at least the petitioners may be directed to refund the amount, whereas learned counsel for the petitioners has argued that one separate suit for cancellation of deed has been filed. Besides this one another case has also been filed under section 138 of the Negotiable Instruments Act, 1881.

Considering the allegation which has been made in the F.I.R. the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly , in the event of arrest or surrender within a period of six weeks from today, let both the petitioner Nishant Kumar Pathak @ Nishant Kumar @ Munmun Pathak and Chunmun Pathak @ Anil Kumar Pathak be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur Ara / concerned court



in connection with Ara Nawada P.S. Case No. 104 of 2016
subject to the conditions as contemplated under section 438(2) of
the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

Praful/-

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