

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54537 of 2017

Arising Out of PS.Case No. -319 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Shakil Ahmad S/o Motahir Khan
2. Nasim Ahmad S/o Motahir Khan
3. Motahir Khan S/o Late Sahadat Khan All residents of Village + P.O. -
Inarawa, P.S. Ramgarhwa, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binod Kumar Gupta S/o Jawahar Prasad resident of village - Bhatahan
Dumdumwa P.S. Sugauli, Dist - East Champaran.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Smt Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 22-12-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sugauli Police Station Case No. 319 of 2017, disclosing offences under Sections 406, 420 and 120B of the Indian Penal Code and Section 138 of the N.I. Act.

Learned counsel for the petitioners has submitted as a matter of fact, the informant happens to be President of Bhatahan Panch entered into an agreement with petitioner no.1 for supply of CMR in lieu of paddy, which is evident from annexure-2, accordingly, the petitioner No.1 has already supplied the C.M.R. against the paddy supplied to him by the informant and the receipt thereof is annexed to the annexure-3 of



the supplementary affidavit filed by the petitioners. The amount in question has been paid to the petitioner towards the Milling and freight charges only. Earlier the informant has given notice to the petitioner under Section 80 of the C.P.C. which itself shows that the dispute between the parties is of civil nature and no criminal liability be imposed on the petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released 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 learned C.J.M., East Champaran at Motihari, in connection with Sugauli Police Station Case No. 319 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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