

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37886 of 2017**

Arising Out of PS.Case No. -1377 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-  
BHAGALPUR

=====

1. Uday Kumar Bhagat S/o Late Satyanarayan Bhagat  
2. Awadh Kumar Bhagat @ Awadh Kishore Prasad S/o Late Satyanarayan Bhagat  
3. Sonu Kumar Bhagat @ Sonu Bhagat S/o Awadh Kumar Bhagat @ Awadh Kishore Prasad  
4. Kumar Priyes @ Priyesh S/o Uday Kumar Bhagat All residents of Mohalla Neta Chouk, P.S. Jogbani, District Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Siyaram Bhagat S/o Late Yamuna Prasad Bhagat Resident of Mohalla - Dipnagar B.N. Singh Road P.S. Adampur, District Bhagalpur.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4      01-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Complaint Case No. 1377 of 2014 instituted for the offence under Sections-420/34 of the Indian Penal Code.

It has been submitted that original transaction is said to have been made in the year, 1998 and the complaint has been filed in the year, 2014. It is alleged in the complaint petition that in the year, 1998, the petitioner took Rs. 3,87,000/- from the complainant and out of that amount, only Rs. 35,000/- was paid and rest amount was not paid.

Counsel for the petitioners has submitted that it is a matter



of accounting. It has further been submitted he has supplied the marble to the complainant worth Rs. 3,87,000/- vide Annexure-2.

As such, it appears that the dispute is of civil nature.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Complaint Case No. 1377 of 2014 to the satisfaction of Smt. Ragini Kumari, learned Judicial Magistrate-Ist Class, Bhagalpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

**(Sanjay Priya, J)**

A.K.V./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

