

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13188 of 2017

Arising Out of PS.Case No. -1693 Year- 2015 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Md. Israil, son of Md. Abdul Aziz, resident of Village- Loam, P.S.- Sadar,
District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Rajab, son of Late Md. Fauzdar, resident of Village- Loam, P.S.-
Sadar, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Satyendra Kumar Srivastava

For the Opposite Party/s : Mr. Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-03-2017 Heard both sides.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1693 of 2015/T.R. No. 1050/2016, registered
for the offence punishable under Sections 406, 415 of the Indian
Penal Code.

The complainant has alleged that on 15.10.2011, he had
given a loan of Rs. 1,07,600/- to the petitioner for performing
marriage of his daughter. The said loan was to be returned by
25.12.2012. The petitioner did not return the same for which a
Panchayati was convened and as per decision, the complainant
was directed to take legal steps and accordingly he filed the
present application.

Learned counsel for the petitioner submits that it was the
complainant who had taken loan from the petitioner for going to



Saudi Arabia. There is not a single cheat of paper to show that the complainant had given any loan to the petitioner. The allegation of taking loan is only to garb the money of the petitioner. Besides that, the claim of the informant is also barred by limitation.

Learned counsel for the State as well as informant opposed the submissions. The counsel for the informant submits that a Panchayati was convened and a Panchnama was executed by both the parties and the petitioner had agreed to return the aforesaid loan amount by the end of December 2014. To support his contention, he filed a Panchayati of Panchnama.

Considering the nature of allegation and the facts stated above, the prayer of anticipatory bail is allowed. The petitioner, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be admitted on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Darbhanga in connection with Complaint Case No. 1693 of 2015/T.R. No. 1050/2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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