

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7980 of 2018

Arising Out of PS.Case No. -241 Year- 2017 Thana -TARAIYA District- SARAN

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Santosh Sharma S/o Raj Balabh Sharma, R/o Village- Saraiya, P.S.-
Tarayan, Distt.- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prabhakar Singh S/o Rup Narayan Singh, R/o Village- Sareya Ratnakar,
P.S.- Tarayan Distt.- Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Tarayan P.S. Case No.241 of 2017 registered

for the offence punishable under Sections 406, 420, 34 of the

Indian Penal Code.

The allegation in the present case is that the

petitioner had taken a sum of Rs.10 lacs from the informant of

the present case and thereafter, had executed a bond to return the

same but has failed to return the said amount.

The learned counsel for the petitioner submits that

the present dispute can at best be said to be a case of civil dispute



and the proper remedy for the informant shall be to approach a court of competent civil jurisdiction.

I find that the instant case is purely a case of civil dispute and the petitioner is at liberty to approach a court of competent civil jurisdiction for recovery of the said amount and for enforcement of the executed bond between the accused persons and the informant of the present case.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the even of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Saran at Chapra in connection with Taraiyan P.S. Case No.241 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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