

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47650 of 2018

Arising Out of PS. Case No.-411 Year-2017 Thana- CHANPATIA District- West Champaran

Khudadin Ansari @ Khoddin Miyan son of Late Jumrati Miyan, resident of Village- Turhapatti, Patiha Tola, Police Station- Sirisiya O.P., District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Smt. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Chanpatiya (Sirisiya O.P.) P.S. case no. 411 of 2017 instituted for the offence under Section(s) 406 and 506 of the Indian Penal Code.

It is alleged in the written report that the informant has given Rs. 25,000/- as loan to the informant on 5.6.15 with promise by petitioner that he will return the same within two months but he did not return the amount. It is alleged that Panchnama was also prepared but the petitioner has refused to return the money.

Learned counsel for the petitioner has submitted that FIR has been lodged after delay of 2 years and 5 months. From the



written report itself it appears that money was to be returned within two months. But the instant case has been filed after about 2 years and five months. Learned counsel for the petitioner further submitted that it is purely a civil dispute for which the informant has civil remedy.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Chanpatiya (Sirisiya O.P.) P.S. case no. 411 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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