

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57222 of 2018

Arising Out of PS.Case No. -752 Year- 2016 Thana -BIHTA District- PATNA

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1. Ram Kumar, S/o Bihari Lal.
 2. Nirmala Devi, W/o Ram Kumar.

Both R/o Gram Chadehi, P.S. Punpun, District Patna, at present resident in house of Davendra Sao, R/o Gultera Bazar, opposite Street of Nawrang Studio, Bihata, P.S. Bihta, District Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Kant

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Bihta P.S. Case No. 752 of 2016 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

According to prosecution case, the petitioners had taken loan from the informant for purchasing some lands but they returned only part of loan amount and when informant made demand, petitioners became furious.

Submission on behalf of the petitioners is that much prior to lodging of the present case, petitioner no. 2 lodged Bihta



P.S. Case No. 704 of 2016 against the informant and his sons and as a matter of fact, the present case has been lodged in retaliation of Bihta P.S. Case No. 704 of 2016. He further submits that even if the prosecution story assumed to be true, then also, no case for the offences punishable under Sections 406 and 420 of the Indian Penal Code is made out.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur in Bihta P.S. Case No. 752 of 2016 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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