

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64814 of 2018

Arising Out of PS. Case No.-370 Year-2017 Thana- KADWA District- Katihar

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1. Manoj Kumar Kushwaha @ Amar Kumar, Son of Kapildeo Mahto
2. Rajni Devi @ Sabita Kumari Wife of Manoj Kumar @ Manoj
Kumar Kushwaha @ Amar Kumar
Both Resident of Mohalla-Pokhar Tola, Vill-Kantia (Sonaili)
Police Station -Kadwa,Distt.-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rohit Kumar Mahto, Son of Mahadeo Mahto, Resident of Mohalla-Pokhar
Tola (Kantia) Police Station-Kadwa, Distt.-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State being assisted by the learned counsel for
the complainant.

The petitioners seek pre-arrest bail in connection with
Kadwa P.S. Case No.370 of 2017 registered for the offences
under Sections 420, 406 and 504 read with 34 of the Indian
Penal Code.

The allegation against the petitioners is that he took
friendly loan of Rs.1,85,000/- from the informant (complainant)
and, on demand, refused to pay it back.

Learned counsel for the petitioners submitted that
even if the allegations made in the first information report are



taken to be true, no case under Section 406 or 420 would be made out. At best, it is a case of money claim, which can be tested only before the civil court of competent jurisdiction.

Learned counsel for the State and the complainant opposed the application for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation, in the event of arrest or surrender in the court below within a period of six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Katihar in connection with Kadwa P.S. Case No.370 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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