

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2441 of 2018

Arising Out of PS.Case No. -82 Year- 2015 Thana -HALSI District- LAKHISARAI

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1. Biru Sao @ Biru Kumar, son of Late Jawahar Sao, resident of Village-Bilo, P.S.- Ramgarh, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmendra Kumar, son of Sri Makeswar Sao, resident of Village-Naya Bazar, Near Bazar Samittee, P.S.- Kabaiya, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Halsi (Ramgarh) P.S. Case No. 82 of 2015 instituted for the offence under Sections-420, 406, 323, 504, 379, 307 of the Indian Penal Code.

It has been submitted that from the allegation in the complaint petition, it appears that it is a matter of civil dispute.

The allegation in the complaint is that an amount of Rs. 3,30,000/- was financed by the complainant for running the grocery shop by the petitioner as both petitioner and the complainant were good friends. The complainant made request to share the profit, then the petitioner told that he will return the money in installment of Rs. 5,000/- per month since the shop is not running well. The petitioner deposited Rs. 50,000/- in ten installments in the account of the



complainant. Thereafter, he assured to return the remaining amount but the same was not returned.

In this manner, this court finds that this is a matter of civil dispute and civil remedy is available to the complainant.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Halsi (Ramgarh) P.S. Case No. 82 of 2015 to the satisfaction of learned Judicial Magistrate-Ist Class, Lakhisarai subject to condition as laid down u/S 438(2) of the 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 liable to 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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