

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41635 of 2018

Arising Out of PS.Case No. -359 Year- 2017 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Subansh Mahto Son of Nandeep Mahto
2. Sanjay Kumar Son of Subansh Mahto Both Resident of Village-
Surgahia, P.S. Bathnaha, District- Sitamarhi. Petitioner/s
Versus

1. The State of Bihar.
2. Nagendra Singh Son of Bilat Singh Both Resident of Village- Surgahia,
P.S. Bathnaha, District- Sitamarhi. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv
For the Opposite Party/s : Mr. Sri Asharaf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-09-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in
a case registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

According to complaint petition, the
complainant had advanced Rs. Fourteen Lacs in different
installment to the petitioners. Reason for advancement of
money is stated in the S.A. as marriage of the daughter of
one of the petitioners.

Submission of the learned counsel for the
petitioners is that only Rs. Four Lacs and odd was taken
as loan from the complainant and the complainant
charged exorbitant interest on that. For that dispute, the



present false complaint case has been lodged.

Learned counsel for the complainant opposed the prayer for anticipatory bail.

Considering the fact that there is no material to substantiate payment of such huge amount beyond amount Rs.4,50,000/- as well as considering the fact that civil remedy is there for enforcement of right by the complainant, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No. C1-359 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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