

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62596 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

- =====
1. Bipin Bihari Patel, S/o Late Rama Prasad, R/o Village- Mohabbatpur, P.S.- Gangabridge Hajipur, District- Vaishali.
 2. Manoj Kumar Singh S/o Late Kailash Singh, R/o Village- Chaklatif, P.S.- Bidupur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s
- =====

Appearance:

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 15-01-2018 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Gangabridge P.S. Case No. 102 of 2017 registered for the offence punishable under Sections 406, 420 and 34 of the Indian Penal Code.

The allegation against the petitioners are that the informant had given them loan of Rs. Six lakhs each and to that effect an agreement was executed, however, the petitioners have failed to return the said amount.

The learned counsel for the petitioners submits that as far as the agreement is concerned, the signature of the petitioners are present only on the first page. It is further submitted that at best the present case can be said to be a case of civil nature and remedy, if any, lies before the court of competent civil jurisdiction where the informant is free to file a money suit. The petitioners



are said to be having a clean antecedent.

Having regard to the facts and circumstances of the case, I think that the interest of justice would be served if both the petitioners deposit a sum of Rs. 2,50,000/- each with the Nazarat of the concerned court within a period of six weeks from today. It is directed that the petitioners should surrender before the concerned court within six weeks from today and show the receipt of the deposit of the aforesaid amount whereupon the concerned court shall enlarge the petitioners above named, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Gangabridge Hajipur P.S. Case No. 102 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The aforesaid amount, as directed to be deposited by the petitioners, shall be subject to the result of the present case and in case the informant approaches the concerned court for release of the aforesaid amount, the same would be released to the informant subject to adequate security being furnished by the informant to the satisfaction of the concerned court.

(Mohit Kumar Shah, J)

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