

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21 of 2018

Arising Out of PS.Case No. -546 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Nibha Devi W/o Sri Nawal Singh resident of mohalla - Sutapatti, Dhobiya
Gali, Ojha Complex Saraiyganj, P.S. Town, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raushan Lal Barauliya S/o Late Ram Kumar Baroliya r/o mohalla
Sutapatti, Dhobiya Gali, P.S. - Town, District - Muzaffarpur.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Muzaffarpur Town P.S. Case No. 546 of 2017
registered for the offence punishable under Sections 420, 406 and
506 of the Indian Penal Code and Section 138 of the N.I. Act.

The case of the prosecution is that the accused persons
were taking cloths from the informant who is a wholesale cloth
agent and finally on account of certain dispute in the accounting, a
total sum of Rs. 4,28,137/- is said to be outstanding and the same
has not been paid by the accused persons. It is alleged that as far
as the petitioner herein is concerned, she had given a cheque of



Rs. 25,000/- to the informant but the same has bounced.

The learned counsel for the petitioner submits that the dispute alleged in the present case can at best be said to be a case of civil dispute and for the same, remedy lies before the competent court of civil jurisdiction. Lastly, it is submitted that the similarly situated co-accused persons have been granted bail by this Court vide order dated 17.10.2017 passed in Criminal Misc. No. 47951 of 2017.

The learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner herein on anticipatory bail in the event of her arrest or surrender before the court below within six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 546 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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