

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13549 of 2019**

Arising Out of PS. Case No.-423 Year-2018 Thana- GOGRI District- Khagaria

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1. Md. Kasim, son of Late Habib
  2. Md. Barkat, Son of Md. Kasim  
Both are residents of Village- Chak Yusuf, Police Station- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Sajda Begum @ Majida Begum, Wife of Abdul Karim, Resident of NAC Road, Ward No.11, Police Station- Khagaria, District- Khagaria.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf  
For the Opposite Party/s : Mr. Murli Dhar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      06-03-2019                      Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Gogri Police Station Case No. 423 of 2018, disclosing offences under Sections 420, 406, 323, 354/154B of the Indian Penal Code.

Allegedly, the informant had given the petitioner no. 1, a sum to the tune of Rs. 1,46,000/- as loan, which, the petitioner no. 1 has refused to return.

Learned Counsel for the petitioner has relied on Annexure 2 of the application and has submitted that the amount



has been returned. He has also submitted that in any view of the matter, no criminal offence is made out on the basis of what has been alleged in the absence of any allegation of bad intent of the petitioner at the time of receiving the amount.

I find force in the submissions made on behalf of these petitioners, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Gogri, Police Station Case No. 423 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

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