

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29708 of 2019

Arising Out of PS. Case No.-1504 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. LALAN KUMAR @ LALAN RAI
 2. Dasharath Rai @ Dasharath Kumar Yadav
Both are sons of Late Shankar Rai, Resident of Village-Shahaniyapatti, P.S.-
Sursand, District-Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ram Lal Sah, Son of Late Parichhan Sah, Resident of Village-Laduari, P.S.-
Parihar, District-Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-05-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of
Complaint Case No. C-1 1504 of 2018, disclosing offences
punishable under Sections 406 and 120B of the Indian Penal
Code.

It is alleged in the complaint petition that the
complainant had sold his Tata Magic Vehicle to the petitioner
with an understanding that the petitioner would be paying the
amount of loan outstanding against the vehicle. It is alleged that
the petitioners did not pay the loan amount.

Learned Counsel for the petitioner appears to be



correct in his submission that the said allegation does not constitute an offence under Section 406 of the Indian Penal Code.

Considering the nature of dispute, leading to filing of the complaint case, 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) each, with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Complaint Case No. C-1 1504 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.)

Ashish/Ragini-

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