

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50757 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- BUDDHACOLONY District- Patna

1. RAVI PANDEY Son of Sri Dinesh Pandey presently, Resident of Navin Police Kendra, Patna - 800001.
2. Amit Pandey @ Amit Kumar Pandey Son of Sri Dinesh Pandey

Both Permanent resident of vill- Koshdiura, P.S.- Paraiya, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Suresh Mishra, Advocate.
For the Opposite Party/s :	Mr.Akhileshwar Dayal, APP
	Ms. Madhuri Kumari, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2019 The petitioners apprehend their arrest in connection with Budha Colony P. S. Case No. 24 of 2019 registered under Sections 406 and 506/34 of the Indian Penal Code.

Allegation against the petitioners is that informant had given a sum of Rs. One lac to the petitioner no. 1 as loan in the year 2014 and there was an agreement on non-judicial stamp paper to this effect. It has further been alleged that thereafter another sum of Rs. 4,15,000/- was given by the informant to the petitioner no. 1 for opening a shop of Pantanjali and purchase of land. It is alleged that the amount taken from the informant is not being returned by the petitioners.

Learned counsel appearing on behalf of the petitioners



submits that petitioners have not committed offence in the manner alleged inasmuch as even if the allegation is taken on its face value, no criminal offence is made out against the petitioners and at best there is civil dispute relating to money transaction between the parties. Learned counsel further, relying upon Annexure-3, which is page 31, submits that the parties have entered into compromise in which the informant has accepted that only a sum of Rs. 4200/- is required to be paid by the petitioners to the informant @ 4% interest per month and this payment would be made by 27.08.2019.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that a huge amount has been taken from the informant by the petitioners as a loan and the same is not being returned by the petitioners with unlawful intention to misappropriate the money of the informant causing wrongful loss to the informant and wrongful gain to the petitioners. Learned counsel further submits that Annexure-3, which is a compromise petition, is forged and fabricated.

After having heard learned counsel for the parties and taking into consideration the fact that dispute between the parties is relating to money transaction, accordingly, I am



inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub Judge-XVI-cum-Additonal Chief Judicial Magistrate, Patna in connection with Budha Colony P.S.Case No. 24 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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