

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51734 of 2019**

Arising Out of PS. Case No.-2580 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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LAXMESHWAR SAHNI @ LACHMESH SAHANI @ LAKSHMESHWAR
SAHANI S/O Late Fudena Sahani @ Madat Sahani Resident of Village-
Dhobauli, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi W/O Sushil Sahani Resident of Village- Dhobauli, P.S.-
Gaighat, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Karn
For the Opposite Party/s : Mr.Binod Kumar

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

ORAL ORDER

2 20-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Muzaffarpur Complaint Case No. 2580 of 2017, disclosing the
offence under Section 406 of the Indian Penal Code.

It is alleged in the complaint petition that the
complainant's husband had given certain amount on loan to the
petitioner for business under clear understanding that he will be
repaying the amount but he has not repaid the amount fully and
when demanded, the petitioner assaulted the complainant and
her husband.

Learned counsel appearing on behalf of the petitioner



has submitted that it is clearly a civil dispute between the petitioner and the complainant's husband which has been given a cloak of criminal case.

On perusal of complaint case, I find substance in the submission made on behalf of the petitioner. This application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Sub-Judge-16 cum ACJM-15, Muzaffarpur in Muzaffarpur Complaint Case No. 2580 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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