

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5027 of 2019**

Arising Out of PS. Case No.-173 Year-2017 Thana- HATHUA District- Gopalganj

1.Pradeep Dev
2. Draupdi Kunwar
3. Kiran Devi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anita Kumari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

6 12-03-2019 Heard the parties.

The petitioners seek anticipatory bail in connection with Hathua P.S.Case No. 173 of 2017, registered under Sections 419, 420, 406 and 509 of the Indian Penal Code.

Allegation as per the F.I.R. against the petitioners is of that in good faith, the petitioners borrowed Rs. Six lacs from the informant but they did not return the same and they threatened the son, daughter and husband of the informant by sending phone messages and objectionable words on call.

Submission of the learned counsel for the petitioners is that they have committed not such type of act and the informant and petitioner No.2 lodged F.I.R. bearing Gopalganj Town P.S.Case No. 567 of 2017 and brutally assaulted by the



informant and his associates for return the money and there is a civil dispute between the parties.

Heard learned A.P.P. as well as learned counsel for the informant opposes the prayer for bail onh the ground that the petitioner No.1 has opened forge bank account in the IDBI Bank and he is an accused in six other cases..

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 2 and 3 are concerned, in the event of their arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand)each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Hathua P.S.Case No. 173 of 2017, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

So far as the case of the petitioner No. 1 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a



direction to the petitioner that if the petitioner surrender before the court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly disposed of on the same day.

(Vinod Kumar Sinha, J)

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