

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82750 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- GUTHANI District- Siwan

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1. SURYANATH PRASAD @ SUGRAYANATH PRASAD Son of Late Sonari Prasad Resident of Village - Majhwaliya Majhauiliya, P.S.- Asaon, District- Siwan
 2. Kedarnath Prasad Son of Suryanath Prasad @ Sugrayanath Prasad Resident of Village - Majhwaliya Majhauiliya, P.S.- Asaon, District- Siwan
 3. Parasnath Prasad @ Paras Prasad Son of Suryanath Prasad @ Sugrayanath Prasad Resident of Village - Majhwaliya Majhauiliya, P.S.- Asaon, District- Siwan
 4. Ajay Kumar @ Ajay Prasad Son of Suryanath Prasad @ Sugrayanath Prasad Resident of Village - Majhwaliya Majhauiliya, P.S.- Asaon, District- Siwan

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Kishore Mishra Son of Shubhnarayan Mishra Resident of Village - Bhathahi, P.S.- Guthni, District- Siwan

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary
For the Opposite Party/s	:	Mr.Ajay Kumar Jha, APP
For the O.P. No.2	:	Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 19-06-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Guthni P.S. Case No. 128 of 2019 for the offence punishable under Sections 420, 406 and 120(B) of the Indian Penal Code.

A complaint petition filed by the opposite party No.2 is the basis for registration of First Information Report. It is alleged in the First Information Report that the petitioners had taken a sum of Rs.6,70,000/- as loan from the complainant on



12.12.2016. It is further alleged that petitioner No.1 had taken loan on 28.02.2013 and 17.01.2013. Total sum of Rs.12,70,000/- was taken by the accused persons on friendly loan, which they have refused to repay.

Learned counsel appearing on behalf of the petitioners has stated that it is primarily a civil dispute and so as to put undue pressure, the present criminal application has been filed.

Learned counsel for the informant had vehemently opposed the prayer for bail.

However, considering the facts and circumstances and the nature of dispute between the parties, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, 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 Additional Sessions Judge 2nd -cum- Special Judge, Excise, Siwan, in Guthni P.S. Case No. 128 of 2019, subject to the conditions as 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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