

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9477 of 2020

Arising Out of PS. Case No.-289 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

1. Md. Jamal, aged about 44 years, Male.
2. Md. Arif, aged about 29 years, Male.
3. Md. Ashraf, aged about 23 years, Male.
All sons of Md. Islam, Resident of Village - Partaili, P.S.- Katihar Muffasil,
District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mihir Kumar Jha, Son of Late Dukhmochan Jha, Resident of Village -
Barmasia, P.S.- Sahayak, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 07-01-2022 Heard the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Katihar (Muffasil) P.S. Case No. 289 of 2019 instituted for the offences punishable under Section 420,406/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a dispute relating to an agreement with the informant. Learned counsel submits that the petitioners have received amount in-advance and the remaining amount is to be paid, thereafter registry is to be done. However, the informant has lodged the

FIR on the basis of one of his brother's who had entered into an agreement earlier with some third parties. However, that agreement already stands repudiated. Learned counsel submits that the petitioners was always ready to pay back the advance amount. However, the case could not form part within the ambit of Sections 406, 420 of the Indian Penal Code.

Learned APP opposes the prayer for anticipatory bail.

Notices were served on the complainant but no one appears.

In view of the nature of case, which is essentially a civil dispute, I am inclined to allow the petitioners on bail, in the event of arrest they shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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