

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67186 of 2021**

Arising Out of PS. Case No.-357 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. MD. SAYEEM @ MD. SALIM Son of Md. Sakir Resident of Village- Girjas Police Stastion- Saraiya, District- Muzaffarpur.
 2. Md. Sabir Son of Md. Sakir Resident of Village- Girjas, P.S.- Saraiya, District- Muzaffarpur.
 3. Md. Umar @ Umar Ali S/o Md. Badruddin Resident of Village- Girjas, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have antecedent of one case and from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the dispute between the informant and the petitioners is purely civil. It is next submitted that the informant himself alleges that there was an agreement between the parties for completing some work related to Disneyland on account of which the dispute



arose as informant was claiming that the work done was worth Rs. 4,83,899/- out of which an amount of Rs. 2,62,500/- was paid and rest of the amount along with service tax is still due. Learned counsel further submits that the informant in terms of the agreement should have availed remedies available in law, it is next submitted that criminal case could not be resorted to for settling civil dispute.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kotwali Adampur P.S. Case No. 357 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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