

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39323 of 2022

Arising Out of PS. Case No.-1273 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Manoj Singh Son Of Late Bangali Singh R/O Village- Rulahi Majhar, P.S.- Motihari Muffasil, District- East Champaran.
 2. Jitendra Singh Son Of Late Bangali Singh R/O Village- Rulahi Majhar, P.S.- Motihari Muffasil, District- East Champaran.
 3. Sujeet Singh Son Of Sri Laldeo Singh R/O Village- Rulahi Majhar, P.S.- Motihari Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Kumar Singh Son Of Late Nagina Singh R/O Village- Rulahi Majhar, P.S.- Motihari Muffasil, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP
For O.P. No.2	:	Mr. Shakti Suman Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

14 02-05-2023 At the outset, learned counsel for the petitioner submits that prayer for grant of anticipatory bail to petitioners no.2 and 3 was already permitted to be withdrawn vide order dated 02.11.2022 as they have already been arrested by the police.

Heard learned counsel for petitioner no.1, Manoj Singh, learned APP for the State as well as learned counsel appearing on behalf of O.P. No.2.

Petitioner No.1, Manoj Singh apprehends his arrest in



connection with Complaint Case No.1273 of 2018, registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

It is alleged that on the joint family property, the petitioner has taken loan without partition.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the loan account has already been closed and the bank has already issued No Dues Certificate (Annexure-5, 5/1 and 5/2 to the supplementary affidavit). It is submitted that the dispute between the parties is purely civil in nature. A title suit being Title Suit No.630 of 2016 is also pending between the parties.

Taking into consideration the facts aforesaid, let petitioner no.1, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Motihari, East Champaran in



connection with Complaint Case No.1273 of 2018 (Trial No.2499 of 2020), subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The personal appearance of Pintu Kumar, Circle Officer, Turkoliya (In-charge Circle Officer of Motihari Sadar) and Chaudhary Basant Kumar, the then Circle Officer of Motihari Sadar and presently posted as Circle Officer, Singhwara, Darbhanga is dispensed with.

(Anjani Kumar Sharan, J)

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