

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56010 of 2023

Arising Out of PS. Case No.-4882 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. NASIMA KHATOON Wife of Salamat Ansari Resident of village - Bangari, P.O. - Sripal Basant, P.S. - Garkha, Distt. - Saran at Chapra 841202
 2. Md. Salamat Ansari Son of Md. S. Ansari Resident of village - Bangari, P.O. - Sripal Basant, P.S. - Garkha, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. M/s. Dhanushdhari Jee Foundation, represented through Himanshu Kumar Son of Sri Uday Kumar Singh R/o Ground Floor, Post office Building, Jamal Road, P.S. - Kotwali, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-08-2023 Heard learned counsel for the parties.

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

3. It is alleged that Rs. 49,500/- loan was sanctioned to the petitioners, but they failed to repay the same within stipulated time and thus, embezzled the loan amount.

4. It is submitted on behalf of petitioners that the amount in question was to be paid in 11 installments. Petitioners already paid 3 installments and paid rest of the amount in cash



in 8 installment to Vishwajeet Kumar, Director of the company. It is further submitted that *inability to pay loan amount does not give rise to criminal prosecution for cheating*. Petitioners have got clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition and submitted that no any installment has been paid relating to the loan amount.

6. However, considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna Sadar, Patna in connection with Complaint Case No. 4882 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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