

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.22708 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Prabhat Kumar S/O Kamal Kishore Kumar R/O Village- Agrer, P.S- Agrer, Distt.- Rohtas.
 2. Kamal Kishore Kumar S/O Late Sakaldev Prasad R/O Village- Agrer, P.S- Agrer, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ravi Kant Kumar S/O Late Sakaldev Prasad R/O Village- Rampur Naressa, P.S- Karahgar, Dist.- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 323, 341, 504, 406, 379 and 420/34 of the Indian Penal Code.

3. As per allegation in the Complaint petition, it is alleged that petitioners took loan of Rs.4.5 lacs of which the complainant is the guarantor of the total loan amount.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He next submits that the complainant have paid the major amount by cash and petitioners have got clean antecedent.

5. Learned APP for the State opposes the prayer for



anticipatory bail of the petitioners.

6. On perusal of the complaint petition and impugned order dated 23.01.2024, it appears that Sections 323 and 406 of the IPC is bailable and other Section 406 of the IPC is non-bailable and from the submission of learned counsel for the petitioners that the petitioner no.1 is a son of the petitioner no.2 and petitioner no.2 and complainant is brother of each other and this is a case of borrowed money to the petitioners so considering the relationship between the parties and nature of the offence, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Rohtas in connection with Complaint Case No. 163 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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