

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76924 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- COMPLAINT CASE - BIRAUL AT
BENIPUR District- Darbhanga

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1. Md. Nawab @ Md. Nabab S/o Md. Rajjak R/o Village- Bhadaul, P.S- Kusheshwarasthan, Dist- Darbhanga
 2. Sakeela Khatun @ Sakeela Khatoon W/o Md. Nawab @ Md. Nabab R/o Village- Bhadaul, P.S- Kusheshwarasthan, Dist- Darbhanga
 3. Md. Shamshad S/o Md. Ali R/o Village- Bhadaul, P.S- Kusheshwarasthan, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon W/o Md. Mehboob R/o Village- Bhadaul, P.S- Kusheshwarasthan, Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Kumar, Advocate
For the State	:	Mr. Mohammed Arif, APP
For the O.P. No.2	:	Mr. Suresh Pd. Bhakta

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel for the opposite party

no.2.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 323, 341,
420/34 of the Indian Penal Code.

3. The allegation in the complaint case is that the
complainant had given a total amount of Rs.1,65,000/- to the
petitioners on various dates which they refused to return.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case with totally concocted allegations and as a matter of fact, it is these petitioners who had lent money to the complainant, all of which was not returned. It has also been submitted that the present case has been lodged on account of an earlier enmity as the wife of petitioner no.1 had lodged a case against the husband of the informant under Section 376 and other provisions of the I.P.C. as also under the POCSO Act wherein cognizance was also taken differing with the final form and this fact is indicated by Annexures-P/3 and P/4 to the petition. He has further submitted that the present complaint case relates to money transactions and is essentially a civil dispute for which a criminal case has been filed.

5. Learned APP for the State opposed the grant of anticipatory bail on the basis of allegations made in the first information report.

6. Taking into consideration the facts and circumstances and considering that there was an earlier litigation between the parties and the present complaint case involves a dispute with regard to money transactions which essentially has a civil colour, let the above named petitioners, be



released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Complaint Case No. 114 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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