

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22403 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- KURTHA District- Jehanabad

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1. Kajal Devi, Wife Of Shrikant Prasad R/O- Mohalla- Indrapuri, P. S.- Shree Krishnapuri, District- Patna
 2. Sudarshan Kumar @ Sudarshan Yadav, Son Of Late Lal Bahadur Singh R/O- Danrahat Daspura, P.S.- Arwal, District- Arwal

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Vimlesh Kumar (M), Age about 31 years, S/o Kamlesh Singh, R/o Gobindpur, P.S.-Kurtha, District-Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anang Mohan Sinha
For the Opposite Party/s :	Mr. Mohammed Arif
	Mr. Arvind Prasad Singh
	Mr. Suresh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406, 420 and 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.1 is a woman and the informant alleges that petitioners had taken Rs.7,75,000/- from him with an assurance to return within 2-3 months, but when the informant demanded his money, the petitioners refused to return the amount taken and threatened to



kill him. It is further alleged that Rs.4,50,000/- was given through bank account in between 15.09.2020 to 15.12.2020 and rest amount of Rs.3,25,000/- in cash.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil for which, prosecution of a criminal case is definitely an abuse of the process of the Court. It is next submitted that the present F.I.R. gives an impression that the informant is trying to coerce the petitioners into submission by putting them into fear of arrest for recovering his amount, when High Court is not a recovery agent for the informant. It is next submitted that if the informant is really aggrieved by the act of the informant for which the present F.I.R. has been instituted, then informant definitely has remedies available in law.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioners that the dispute is civil for which informant has remedies available in law for recovering his due amount.

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, are directed to be released on bail on their furnishing bail-bonds in the sum 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 in connection with Kurtha P. S. Case No.211 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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