

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25477 of 2022

Arising Out of PS. Case No.-177 Year-2020 Thana- BHORE District- Gopalganj

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1. SHAMBHU SINGH @ SHAMBHU KUSHWAHA SON OF LATE GANESH KUSHWAHA R/O VILLAGE- BARAIPAR PANDAY, P.S.- KHAMPAR, DISTRICT- DEWARIA (U.P.)
 2. DEVENDRA KUSHWAHA SON OF LATE GANESH KUSHWAHA R/O VILLAGE- BARAIPAR PANDAY, P.S.- KHAMPAR, DISTRICT- DEWARIA (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Shantanu Kumar, APP
For the Informant/s :	Mr. Satyendra Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 385 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that petitioner no.1 had taken Rs. 17 lakh through transfer and cash after showing land, further when informant goes to ask for money, the accused abuses and gets ready to assault him, despite asking for money on many occasion, the



petitioner nos. 1 and 2 threatened that he will be killed.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then the dispute is civil in nature to which a criminal colour has been given if the informant really intended to get the sale deed executed with respect to the land in question which he alleges for which he had given the money or if the informant intended to take back his money if he had really paid the money then definitely the remedy was different and in civil law, it is next submitted that by criminal case the informant can never get back his money which amply demonstrates that the informant with a view to coerce the petitioners into submission under fear of arrest wants his money back when the petitioners are disputing the allegations alleged by the informant.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not able to meet the submissions of the learned counsel for the petitioners that the dispute is civil and informant has remedies available in law for getting his money back that is by filing a money suit.



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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhole P.S. Case No. 177 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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