

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32505 of 2022**

Arising Out of PS. Case No.-201 Year-2021 Thana- MUNGER COMPLAINT CASE
District- Munger

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RISHAV KUMAR S/o Sachitanand Mandal Resident of Village- Daulatpur,
P.S.- Jamalpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Nitu Devi W/o Bhaglu Sah Resident of Village- Khaira, P.S.- Piri Bazar, District- Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that Rs. 9,40,000/- were received by the father and mother of the petitioner, in presence of Sanjay Singh in lieu of a land, but the accused persons including the petitioner neither executed sale deed nor returned the money, further an agreement dated 06.11.2018 was executed in between the complainant and



the petitioner that if money is not returned she will be at liberty to prosecute him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from the tenor of allegation as alleged, it would manifest that dispute is purely civil to which a colour of criminal case has been given. It is also submitted that no doubt an agreement was entered in between the complainant and the petitioner on 06.11.2018 but that obviously does not mean that a criminal case had to be instituted, it is next submitted that date of occurrence is 16.06.2017, agreement was entered on 06.11.2018 and the complaint case came to be filed on 03.03.2021 without any plausible explanation for delay in instituting the complaint.

Learned counsel for the petitioner next submits that if the complainant is aggrieved by the action of the petitioner that he is not executing the sale deed then definitely she has remedies available in civil law and for which filing of the present criminal case is definitely an abuse of the process of the Court as the High Court is not a recovery agent for litigants like complainant.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Complaint Case No. 201 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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