

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13198 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- PATNA CITY CHOWK District- Patna

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RAUSHAN KUMAR @ SUMIT KUMAR @ RAUSHAN Son of Dev
Kumar Mishra @ Dev Raj Mishra R/o Twiari Gali, P.S.- Chowk, Patnacity,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra, Advocate.

For the Opposite Party/s : Ms. Sharda Kumari, APP.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-03-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection

with Chowk P. S. Case No. 340 of 2022 registered for the

offences punishable under Sections 406 and 420 of the Indian

Penal Code.

As per the prosecution case, the petitioner took money

from the informant showing house and land. When the

informant went to live in the said house, the petitioner assaulted

her. Thereafter, the informant asked the petitioner to return her



money but the petitioner started putting off the matter on one pretext or other and also assured to return the money of the informant with interest or will give half of the land till 2018 but, till now, the petitioner has not given anything to the informant.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No such occurrence as alleged has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no agreement of sale between the petitioner and the informant. Learned counsel for the petitioner placed reliance on the judgement in the case of **Bimla Tiwari Vs. State of Bihar & Others (Special Leave Petition) (CRL) Nos. 834-835 of 2023)** at para 10, the Hon'ble apex court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer of bail." The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender



within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Patna City in connection with Chowk P. S. Case No. 340 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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