

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20777 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- NAYAGAON District- Saran

PARAN MANDAL S/o Late Gulu Mandal Resident of Flat No.405, mahindra
Villa Apartment, Road No.8, Patel Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 406, 420 and 506 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.02.2022, is a person with clean
antecedent and a civil dispute has been given color of a criminal
case as it has been alleged by the informant that on 01.06.2020,
an agreement with petitioner was entered into by the informant's
company under which a pilling ring machine was provided on a
monthly rental of Rs. 12,00,000/- per month along with GST for
a period of six months, it is next alleged that on 26.06.2021, in
presence of the Chakiya P.S., the petitioner agreed to return the



machine in question within 45 days of the agreement, but neither the petitioner has returned the machine nor has paid the rent till July 2021, on account of which the company suffered a loss of Rs. 1,76,52,800/- towards rent. Learned counsel for the petitioner submits that the dispute is purely civil and whatever happened, happened in pursuance of an agreement and if the informant is aggrieved by the conduct of the petitioner then he has remedies available in law in terms of the agreement for which filing of a criminal case is nothing but an abuse of the process of the Court, it is also submitted that High Court is not a recovery agent for the informant nor money can be recovered by putting a person under fear of arrest or by bargaining with him that if he pays the amount then only he will be granted bail, the dispute is civil for which an appropriate proceeding ought to have been instituted by the informant against the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) 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 Nayagaon P.S. Case No. 153 of 2021.

(Satyavrat Verma, J)

GauravSinha/-

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