

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26271 of 2023**

Arising Out of PS. Case No.-38 Year-2022 Thana- SAKURABAD District- Jehanabad

KUMAR NAGMANI S/O RAJENDRA PRASAD Resident of Village-
Nimbigha, P.S.- Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr Vinod Shanker Modi, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 **24-05-2023** Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Shakurabad Police Station (for brevity, **PS**) Case No 38 of 2022 dated 05.03.2022 registered for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

As per the prosecution case, the petitioner and co-accused persons in connivance with one another, withdrew cash



amount of Rs 35 lacs from the informant's account bearing No 38861905599 and they also forcibly possessed the informant's house by taking the informant's husband's signature on blank paper, using a genuine document dishonestly.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the son-in-law of the informant. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari Vs. State of Bihar and 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 utilised for arm-twisting and money recovery, particularly while opposing the prayer for bail." The petitioner is accused in two more criminal cases, as stated in paragraph 3 of the bail petition. He is in custody in this case since 09.01.2023.

Learned APP as well as the learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has prayed for recovery of the said amount.

Considering the aforesaid facts and circumstances of the case, the period of custody as well as the nature of allegation



against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Jehanabad in Sakurabad PS Case No 38 of 2022 dated 05.03.2022 subject to the following condition:

The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail is liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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