

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39038 of 2023

Arising Out of PS. Case No.-15135 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Ravi Kumar Son Of Late Ramesh Chandra Rai R/O Village - Pandeypur,
Tilhari, P.S. - Maner, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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

ORAL ORDER

3 30-10-2023 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.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complainant Case No. 15135 of 2022 dated
16.12.2022 registered for the offence punishable under Sections
420, 323 of the Indian Penal Code.

4. As per the prosecution case, the complainant gave
Rs. 5 lacs to the petitioner for purchase of 1 *katha* land under
Mauza Mainpura, Patna on 28.11.2016 and total consideration
amount was negotiated at 55 lacs out of which the complainant



has paid Rs. 45 lacs to the petitioner and invested an amount of Rs. 8,55,665 in construction of the house and boundary walls on the purchased land. Thereafter, the complainant asked the petitioner for registration of the purchased land, in lieu of which, he executed an agreement for sale. Subsequently, the petitioner filed an eviction suit before the Patna Civil Court to vacate the house. The petitioner also came to the complainant's house with some unknown persons and abused him and threatened him to vacate the house. The petitioner neither registered the land in favour of the complainant nor returned the said amount.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that section 420 is not made out in this case. It is further submitted that it is a case of civil nature. 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 utilized for arm-twisting and money recovery, particularly while



opposing the prayer for bail."

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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 in connection with Complainant Case No. 15135 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i.) 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, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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