

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38950 of 2023**

Arising Out of PS. Case No.-1046 Year-2020 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Sujeet Kumar, Son of Bhola Sah @ Bhola Prasad Sah Resident of village -
Harauli, P.O. - Harauli (Fatehpur), P.S. - Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bipin Kumar Son of Rajeshwar Singh Resident of village - Khilawat, P.S. -
Bidupur, Distt. - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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

ORAL ORDER

4 06-11-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1046 of 2020 dated
22.06.2020 registered for the offence punishable u/s 420 and
406 of the Indian Penal Code.

3. As per the prosecution case, the complainant was
the driver of the truck bearing Registration No. BR 01G-4387
financed by Sri Ram Finance Company to the petitioner. The
complainant willing to purchase the said truck, as per oral
agreement, paid Rs. 11,02,000/- to the petitioner but no
agreement was made. The said truck was seized and auctioned



by the Sri Ram Finance Company with the consent of petitioner. Thereafter, the complainant asked the petitioner to return his consideration money which he refused to return.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is next submitted that truck in question belongs to one *Anil Kumar*, who is the brother of the petitioner and the petitioner has nothing to do with business of his brother and both are separate in business and have no interest in each others business. It is further submitted that the petitioner has never received the sale proceeds, nor the petitioner has any knowledge of the said transaction. It is next submitted that the complainant has already filed a money suit before learned court below vide money suit no. 09 of 2022, dated 15.02.2022 and in this case the complainant has made the petitioner and his brother *Anil kumar* as defendants. 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.*" The petitioner has no criminal



antecedent as stated in para 3 of the bail petition.

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

6. 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 Vaishali at Hajipur, in connection with Complaint Case No.1046 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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