

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41823 of 2023

Arising Out of PS. Case No.-769 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Krishna Kumar @ Krishna Kumar Tiwari Son Of Late Ram Chandra Tiwari
Resident Of Village- Chandmari, Ps- Motihari Town, District- East
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Triveni Tiwari Son Of Late Sharan Tiwari At Present Resident Of Mohalla-
New Chandmari, Ps- Town, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

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

ORAL ORDER

5 08-11-2023 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 Town P.S. Case No. 769 of 2022 dated

14.10.2022 registered for the offences punishable u/s 406 and

420 of the Indian Penal Code.

4. As per the prosecution case, the allegation against

the petitioner is of not returning the amount of Rs. 5 lacs of the



informant and when he returned the aforesaid money vide cheque No. 091600 and 091601 both the cheques were not honoured by the bank. It is further alleged that the petitioner came to the informant's house and after apologizing took back the cheques and promised to return the said amount and gave a new cheque.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in two other criminal cases as stated in para 3 of the bail petition. 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, East Champaran at Motihari in connection with Town P.S. Case No. 769 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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