

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42851 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- BISFI (PATAUNA) District- Madhubani

HEMANT KUMAR THAKUR son of Late Krishn Chandra Thakur Village-
Kamtaul Ps- Kamtaul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Bisfi (Patauna) P.S. Case No. 21 of 2022 registered for the offences punishable under Sections 384, 406, 447, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that he has a brick kiln and had taken coal of Rs. Seven lakhs from petitioner on credit, thereafter he transferred Rs. Three Lakhs in the account of the petitioner and paid Rs. Four Lakhs in cash in presence of witnesses in the bank premises and the petitioner assured that the documents prepared regarding



purchase of coal on credit shall be returned, further alleges that he thereafter transferred Rs. One Lakh by way of advance to the petitioner in his account for purchasing more coal, but the petitioner started threatening him to return Rs. Four Lakhs, as such stamp paper prepared regarding purchase of coal of Rs. Seven Lakhs is with him.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the dispute is completely civil to which a criminal colour has been given, it is further submitted that if what has been alleged by the informant in the FIR is true, then he has remedies available elsewhere and more particularly before a court of competent civil jurisdiction. The learned counsel further submits that in the present FIR, the informant has alleged that he is being threatened by the petitioner to return an amount of Rs. Four Lakhs, it is thus submitted that since the informant has not returned the amount of Rs. Four Lakhs to the petitioner, as such the present FIR has been instituted in order to coerce him into submission so that he does not raise his legitimate demand.

5. Learned A.P.P. for the State and the learned counsel



for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the dispute is civil in nature to which a criminal color has been given.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Bisfi (Patauna) P.S. Case No. 21 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

