

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45722 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- GOPALPUR District- Patna

Prakhar Kumar Soni @ Vickey Son Of Satyanarayan Prasad Resident Of
Meena Bazar Durga Charan Lane Ps Alamganj District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Pradhan, Advocate Mr. Sumit Kumar, Advocate
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP
For the Informant/s	:	Mr. Shailendra Kumar Singh, Advocate

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

ORAL ORDER

5 07-11-2023 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 as well as learned
counsel for the informant.

3. The petitioner is apprehending his arrest in
connection with Gopalpur P.S. Case No. 196 of 2022 dated
13.04.2022 registered for the offences punishable under
Sections 406, 420 and 120B of the Indian Penal Code.

4. As per the prosecution case, the informant said that
one Umesh Rai and Umesh Kumar persuaded informant and his



relatives to purchase a land by showing them a bai-beyana sale deed of one Duryodhan Mahto and other executed in their favour saying that they would be provided land in cheap rate. Thereafter, the informant agreed to purchase 900 sq. feet land for which he paid a sum of Rs. 18 lacs out of Rs. 22 lacs fixed as consideration amount. The accused Umesh Rai and Umesh Kumar in collusion with the said owners of the land received a total sum of Rs. 63,96,000/- from all the purchasers. But later on the informant and others came to know that the owner has transferred the said land in favour of the brother of Tejan Rai, Ranjit Kumar and cheated Rs. 63,96,000 from the informant and others.

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. The other co-accused person has already been granted anticipatory bail by the Co-ordinate Bench vide order dated 31.07.2023 passed in Cr. Misc. No. 42199 of 2023. 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 as well as learned counsel for the informant have vehemently opposed the prayer of 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 Gopalpur P.S. Case No. 196 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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