

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44994 of 2023

Arising Out of PS. Case No.-1135 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Shekhar Kumar Sinha Son of Narendra Kumar Sinha Resident of village -
Tilha, Mahavir Asthan, P.S. - Civil Line and Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kaushal Kishore Sharma Son of Krishnadev Sharma Resident of village -
Vishnuvihar Bhusunda, P.S. - Mufassil, Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

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

ORAL ORDER

6 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.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1135(C) of 2021 dated

20.11.2021 registered for the offence punishable u/s 323, 341,

504, 420 and 406 of the Indian Penal Code.

4. As per the prosecution case, the petitioner visited

the house of complainant and stated that he opened a bank in the

name of Navjeevan Co-operative Society and he is Zonal



Manager of the same. He persuaded the complainant to deposit his money in the said bank, and it would be double in a very short span of time. The complainant deposited Rs. 6 lacs in the said bank and he also got Rs. 3 lac 50 thousands deposited of his relatives. The petitioner even gave receipt of every deposit. After the completion of period, the complainant visited the office of the petitioner and found the door locked. Thereafter he visited the house of the petitioner and he fixed a date to pay the said money but he did not pay the same at the fixed date. Thereafter, the petitioner again fixed another date, but even on that date he did not pay the said money and started abusing and pounding him. The petitioner also threatened not to pay a single penny.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner and the complainant both appointed as Marketing Manager in the Navjeevan Co-operative Society at Gaya Branch. It is further submitted that the complainant and his wife involved in the development of the co-operative society used to receive huge money for deposit from its members and also received commission for that. It is further submitted that the complainant has not deposited any amount



upon the request of the petitioner, in fact the petitioner himself is victim as he has deposited huge amount and on his request several persons also deposited their amount in society and when the scheme matured in spite of the several request by the petitioner the amount has not been paid to him or the other beneficiaries, therefore, Civil Lines P.S. Case No. 234 of 2020 has been instituted by the petitioner against the management of the society. Thereafter, the petitioner also filed a complaint before the Registrar, Co-operative Societies, Bihar. It is further submitted that after the maturity of the deposited amount, the complainant himself has received two cheques of Bandhan Bank of amount of Rs. 7,72,966/- and Rs. 6,55,000/-, therefore, the allegation made by the complainant that the petitioner involved in cheating with the members is totally false and baseless. It is further submitted that the present complaint case has been filed by the complainant only to pressurize the petitioner to withdraw the F.I.R. lodged by him against the management committee of the society. 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.

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, in connection with Complaint Case No. 1135(C) of 2021, 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)

Nilmani/-

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