

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44246 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rajeev Choudhary Son Of Ram Chandra Choudhary Resident Of Village -
Hardia (Rajaura), P.S. - Begusarai (Mufassil), Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Informant : Mr. Maya Shankar Mishra, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 31-07-2023 Learned counsel for the petitioner is permitted to remove
defect (s), as pointed out by the office, if any, within a period of four
weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for grant of
regular bail in connection with Begusarai (Muffasil) P.S. Case No.
232 of 2023 dated 24.04.2023 registered for the offences u/ss 406,
417, 420 and 380 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the informant gave Rs. Ten
lakhs to his driver Sudhir Tanti for depositing in State Bank of India
but he did not deposit the same and told that the said money was kept
with his friend Rajeev Choudhary (petitioner). On being asked about
the said money, they denied about the said money. It is further
alleged that the petitioner and the co-accused person embezzled the



said amount.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the informant. The petitioner has no hand and participation in the alleged affairs. Nothing has been recovered from the conscious possession of the petitioner. 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 utilised for arm-twisting and money recovery, particularly while opposing the prayer for bail.” The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 25.04.2023.

6. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with Begusarai (Muffasil) P.S. Case No. 232 of 2023.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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