

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48247 of 2023**

Arising Out of PS. Case No.-322 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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UMESH SINGH S/O BISHAMBHAR SINGH R/O VILLAGE- MAHISI, PS.
BIBHUTIPUR, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. URMILA DEVI WIFE OF BHOLA SAH RESIDENT OF VILLAGE-
MADHOPUR, P.S.- BIBHUTIPUR, DISTRICT- SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Prasad Singh, Advocate
For the Complaint	:	Mr. Manjeet Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

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

ORAL ORDER

7 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

counsel for the complainant as well as learned Additional Public

Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Complaint Case No. 322 of 2021 dated

10.07.2021 registered for the offence/s punishable u/ss 406, 420,

120B and 384 of the Indian Penal Code.

4. As per the prosecution case, on 14.12.2019



National Lok Adalat awarded compensation amount of Rs. 3,90,000/- in favour of the complainant against Bajaj Allianz General Insurance Company Limited and an order was given to the Bajaj Allianz General Insurance Company Limited that the cheque should be given to the Complainant within thirty days. It is further alleged that the petitioner gave Rs. one lakh but when the complainant demanded her remaining awarded amount, he deferred the remaining payment citing closure of his office. The complainant further alleged that the petitioner fraudulently misappropriated the awarded amount.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that section 420 is not made out in this case. Learned counsel has further submitted that on the basis of compromise, the compensation amount was awarded by National Lok Adalat in favour of the claimant and the said cheque was sent to the post office and credited in the account of claimant. Learned counsel has further submitted that the complainant has not given the bank passbook statements. It is further submitted that it is a case of civil nature. 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 two criminal antecedents as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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, Rosera, Samastipur in connection with Complaint Case No. 322 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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