

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50446 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

1. Chanda Devi W/O- Nand Kishore Tipathi Village- Ramgarh Ps- Ramgarh Dist-Kaimur Bhabua
2. Deepak Kumar Tripathi S/O- Nand Kishore Tripathi Village- Ramgarh Ps- Ramgarh Dist-Kaimur Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajvansh Singh S/O- Indradev Singh Village- Bhabua Ward No-6, Patel Chowk Sion Nahar Askaran Baba Ps- Bhabua Dist- Kaimur Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Advocate
For the Opposite Party/s : Mr.Rina Sinha, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-11-2023 Learned counsel for the petitioners 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 petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Ramgarh P.S. Case No. 132 of 2023 dated 05.05.2023 registered for the offences punishable under Sections 341, 323, 504, 506, 406, 467, 468, 471 and 120B read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners and the



co-accused persons under conspiracy received Rs. 30 lacs against consideration for the sale of 5 acre land but later it has been transpired that the land sold by the co-accused Nand Kishore Tripathi to the informant was owned by some other person. It is further stated that Rs. 13,30,000/- was returned by the accused persons to the informant but they denied to return the rest amount.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that the petitioner No. 1 is the wife of the co-accused Nand Kishore Tripathi and the petitioner No. 2 is son of the co-accused Nand Kishore Tripathi so they are implicated in this case. It is further submitted that both of them are neither the executants nor the witness of the alleged forged sale deed. The instant case has been filed for recovery of money. 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 has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Judicial Magistrate, 1st Class, Kaimur (Bhabua) in connection with Ramgarh P.S. Case No. 132 of 2023, 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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