

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49416 of 2023

Arising Out of PS. Case No.-302 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Sandeep Goel S/O Devendra Kumar Goel R/O Village- Jaimpur Dhosi @ Jaitpur Ghosi, Ps. I.T.I District Udham Singh Nagar, Uttarakhand, Managing Director, Astha Seeds Company Private Limited, Village Jaimpur, Near Central School, Bajpur Road, Kashipur Ps. I.T.I District Udham Singh Nagar, Uttarakhand

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Gaurav Kumar Singh S/O Vijay Kumar Singh R/O Village- Narwara, Ps. Tariyani, Dist. Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghwendra Pratap Singh, Advocate
For the Informant	:	Mr. K.D. Raj, Advocate
		Mr. Amrendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 09-11-2023 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 a case in connection with Tariyani P.S. Case No. 302 of 2021 dated 11.12.2021 registered for the offence/s punishable u/ss 323, 406, 420, 467, 504 and 506 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the co-accused, Vijay Kumar Patel contacted the informant who used to run a shop of seeds



and fertilizer and encouraged him to buy seeds from Ashta Beej Private Limited and the petitioner is the Managing Director of the said Ashta Beej Private Limited and the co-accused said that he would have to give two cheques as a guarantee to get seeds. It is further alleged that the petitioner cheated the informant by sending fake seeds thereafter the informant brought his given cheques back but the petitioner misused his cheques under conspiracy and the said cheques got dishonored by the bank.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that it is a case of civil nature. Learned counsel has further submitted that the informant gave two cheques bearing no. 017556 and 017555 under his signature to the co-accused Vijay Kumar Patel which got dishonored for which the petitioner had filed a criminal case no. 212 of 2021 against the present informant for dishonor of cheque. 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 at para 3 of the bail petition.

6. 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, Sheohar in connection with Tariyani P.S. Case No. 302 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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