

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49708 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

MAHESH KUMAR @ MAHESH KUMAR SINGH S/o Late Kailash Singh
Resident of Village- Salthar, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Raj Narayan Mishra, Advocate

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

ORAL ORDER

6 17-02-2023 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.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 341, 323, 406, 420, 504 and 506/34 of the Indian Penal Code.

As per the prosecution case, the informant gave Rs. 5,03,500/- to the co-accused Dhurendra Singh for purchasing the land of Mahesh Singh. The co-accused Dhurendra singh did not fulfill his promise to the informant. On being asked, the



petitioner Mahesh Singh replied the informant that he did not receive the total amount and would register the land if the total amount would be paid to him. The co-accused Dhurendra Singh threatened the informant.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. As per the allegation, money was given to the co-accused Dhurendra Singh and the said case was filed by the informant for recovery of the said amount. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar & 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 of bail."

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances as well as nature of allegation against the petitioner, 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, Bhojpur Ara in connection with Udwant Nagar P.S. Case No. 180 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Chandra Prakash Singh, J)

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