

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51848 of 2023

Arising Out of PS. Case No.-1082 Year-2022 Thana- BIHTA District- Patna

=====

Amit Kumar S/O Falendra Kumar Singh R/O Village- Byapur, P.S- Maner,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mithilesh Kr. Arya
For the Opposite Party/s : Mr.Madhura Nand Jha

=====

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

ORAL ORDER

4 28-11-2023 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

connection with Bihta P.S. Case No.1082 of 2022 dated

17.10.2022 registered for the offences punishable u/s 406 and

420 of the Indian Penal Code.

4. As per the prosecution case, the petitioner agreed to

purchase the informant's tractor for Rs. 19 lakh and got executed

the sale letter of Rs. 5,48,000/- on a non-judicial stamp paper by

paying Rs. 1.15 lakh only and promised to pay the remaining



amount. However, the total outstanding amount of Rs. 17,85,000/- was never paid to the informant despite repeated demands.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. It is a case of civil dispute. 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 for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, 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, Patna in connection



with Bihta P.S. Case No.1082 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:-

(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 be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

