

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57138 of 2022

Arising Out of PS. Case No.-162 Year-2015 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Raj Kumar Singh, S/O Late Ram Chandra Singh, Resident of Village- Khaira,
P.O.- Nadd, P.S.- Darigaon, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanjay Singh, S/O Late Ramadhar Singh, Resident of Mohalla- New Area,
P.S.- Dehri District- Rohtas (Sasaram), Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Pandey, Advocate
For the State	:	Mrs. Sharda Kumari, APP
For the Informant	:	Mr. Dhananjay Kumar, Advocate

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

ORAL ORDER

- 3 25-02-2023 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 and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 406,

420, 467, 468, 120(B) and 506 read with Section 34 of the

Indian Penal Code.

As per the prosecution case, the Complainant gave

Rs. 7,50,000/- to the petitioner. It was further agreed that the



petitioner and the co-accused persons would give the fifty percent benefit to the complainant which would be earned from the said business of *Thekedari*. The petitioner and the co-accused persons did not give the profit as well as the principle money to the Complainant. It is further stated that on repeated demands, they have only returned Rs. 1,50,000/- to the Complainant and lastly they refused to pay the said money.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. He has further submitted that the petitioner has not received any money from the Complainant. There is no any document showing payment of the said money of Rs. 7,50,000/-. The petitioner has got clean antecedent as stated in 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 A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as, 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/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Dehri, Rohtas, Sasaram in connection with Complaint Case No. 162(C)/2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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