

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72820 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- BUXAR District- Buxar

-
1. Himanshu Kumar @ Nanhe S/O- Dilip Kumar Mohalla- Bari Tola Ps- Buxar Town Dist- Buxar
 2. Kumar Kaushal Son Of Dilip Kumar Mohalla- Bari Tola Ps- Buxar Town Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-11-2023 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 Buxar (Town) P.S Case No. 198 of 2023 dated 09.04.2023 registered for the offence punishable under Sections 420, 406, 467, 468, 471 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have borrowed Rs. 21 lacs from the complainant for business purpose.



5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is a case of civil dispute. Learned counsel has further submitted that the said case was lodged by the complainant for the recovery of the said amount. Learned counsel for the petitioners has 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 petitioners are accused in one more criminal case as stated in para 3 of the bail petition.

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, Buxar in connection with Buxar (Town) P.S Case



No. 198 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)

atul/-

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

