

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72493 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- LALGANJ District- Vaishali

Ranjeet Chaudhary S/O Late Kedarnath Chaudhary R/o vill - Agarur, P.S. -
Lalganj, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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

ORAL ORDER

2 10-11-2023 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 Lalganj P.S Case No. 231 of 2023 dated
11.06.2023 registered for the offence punishable under Sections
406 and 420 of the Indian Penal Code.

4. The prosecution story, in brief, is that the informant
gave Rs. 1,28,000/- as commission for opening a restaurant
through two cheques to the accused Gaurav Maria, who is the
President of a Company namely, Franchisee India Company,



who is used to help in opening of restaurants. The petitioner, who is the staff of the accused Gaurav Maria, on the pretext of opening a restaurant took Rs. 12,72,374/- on different dates through cheques, cash, and UPI transfer from the informant. Neither his restaurant was opened nor his money was returned. When the informant went to the house of the petitioner to demand his money, he refused to return the money, the petitioner snatched the agreement stamp, abused and committed mar-pit with the informant. He also forcibly took Rs. 3,500/- from the informant's pocket and threatened to kill.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the present case is purely civil in nature to which a criminal colour has been given. 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 in para 3 of the bail petition.



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, 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, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 231 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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