

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74812 of 2023

Arising Out of PS. Case No.-610 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rina Devi Wife Of Suraj Mahto @ Suraj Sahni R/O Village- Salhan, P.S.-
Govindganj, Dist.- East Champaran At Motihari

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Ramkishun Sahni Son Of Dhinadhan Sahni R/O Village- Salhan, P.S.-
Govindganj, Dist.- East Champaran at Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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

ORAL ORDER

2 07-12-2023 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 Enquiry No. 135 of 2023 and Trial No. 1731 of

2023 arising out of Complaint Case No. 610 of 2023 registered

for the offence punishable u/ss 406, 420, 468, 471, 120B and

387 of the Indian Penal Code.

4. As per the prosecution case, altogether Rs. 19 lacs

has been paid by the complainant to the petitioner and other



accused persons for the execution of sale deed of two *kattha* land. However, the petitioner neither executed the sale deed in favour of the complainant nor returned his money. It is further alleged that the petitioner is going to sell the said land to the other person.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that there is no proof that the petitioner has taken any amount from the complainant. Learned counsel has further submitted that from bare perusal of the allegation as alleged in the Complaint, it is 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.*" 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, Motihari, East Champaran in connection with Enquiry No. 135 of 2023 and Trial No. 1731 of 2023 arising out of Complaint Case No. 610 of 2023, 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)

Nilmani/-

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