

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72972 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- BELA District- Sitamarhi

1. Ram Nandan Sahni S/O Late Bhikhari Sahni R/O Village- Malha Tola, P.S- Bela, Distt.- Sitamarhi.
2. Umesh Sahni S/O Ram Nandan Sahni R/O Village- Malha Tola, P.S- Bela, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-11-2023 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 a case in connection with Bela P.S. Case No. 186 of 2023 dated 04.08.2023 registered for the offences punishable u/s 406, 419, and 420 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the co-accused Dinesh Sahni took Rs. 10,00,000/- from the informant and his friends for sending them to Libia for their earnings on the salary of Rs.



49,000/- per month each but instead of Libia, the informant and his friends were sent to Dubai. After returning, the informant went to the house of the co-accused and requested him to return their money but the co-accused persons abused and ousted him from their house.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners are made accused only because the petitioner no. 1 is the father and the petitioner no. 2 is the brother of the co-accused, Dinesh Sahni. Learned counsel has further submitted that the petitioners did not receive any amount from the informant. This case has been filed for recovery of the said amount. It is further submitted that it is a case of civil dispute. Learned counsel for the petitioners 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 have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently



opposed the bail petition 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 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, Sitamarhi in connection with Bela P.S. Case No. 186 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)

guddukr/-

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

