

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76445 of 2023

Arising Out of PS. Case No.-124 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Rekha Kumari Wife Of Ravindra Kumar Das Resident Of Village- Tetari,
Police Station- Naugachiya, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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

ORAL ORDER

2 12-12-2023 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 Naugachia P.S Case No. 124 of 2021 dated

27.03.2021 registered for the offence punishable u/ss 406

and 420 of the Indian Penal Code.

4. As per the prosecution case, the informant had

an agreement with the petitioner for the construction of 1st

and 2nd floor of the house. However, on account of some



dispute, the petitioner stopped the work and did not pay sum of Rs. 989,040/- out of estimated cost Rs. 19,89,040/- as settled.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that from perusal of the F.I.R., it appears that the entire prosecution case reveals the nature of case as civil dispute. Learned counsel for the petitioner 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 petitioner has one 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, Naugachia, Bhagalpur in connection with Naugachia P.S Case No. 124 of 2021, 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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