

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76210 of 2023

Arising Out of PS. Case No.-907 Year-2019 Thana- SHASTRINAGAR District- Patna

1. Gaurav Roy Son Of Bijay Roy @ Bijoy Roy Resident Of Flat No 501, Vinayak Laxmi Apartment, Road No 2, Ranjan Path, Aviyanta Nagar, Opposite Rudra Apartment, Gola Road, P.S.- Rupaspur, Dist- Patna
2. Anita Singh @ Sangita Kumari Wife Of Gaurav Roy Resident Of Flat No 501, Vinayak Laxmi Apartment, Road No 2, Ranjan Path, Aviyanta Nagar, Opposite Rudra Apartment, Gola Road, P.S.- Rupaspur, Dist- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Daya Shankar Tiwari Son Of Late Baid Nath Tiwari Resident Of Flat No 303, Vina Palace, Sheikhpura, Mangal Market, Vimal Gali, P.S.- Shashtri Nagar, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate Mrs. Priti Kumari, Avocate
For the Informant	:	Mr. Sanjay Kumar, Advocate Mr. Akash Anand, Advocate
For the Opposite Party/s	:	Mr. Shyam kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-12-2023 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 counsel for the informant as well as learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Shastri Nagar P.S. Case No. 907 of



2019, corresponding to G.R. No. 9873 of 2019 dated 30.11.2019 registered for the offences punishable u/ss 406 and 420 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the informant is alleged to have given Rs. 6,00,000/- to the petitioners for business purpose. When the informant asked the petitioners to return his money, they gave a cheque of Rs. 2,20,000/- bearing cheque no. 014780 but when the informant deposited the same in the bank, the payment failed due to the closing of the account. It is further alleged that the legal notice was sent to the petitioners but they did not return his money and threatened to kill him.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that as per FIR, the informant has given only 3,00,000/- in cash and the petitioners have already paid Rs. 2,55,000/- and ready to pay Rs. 45,000/-. 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 counsel for the informant as well as 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 as well as the nature of allegation, 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, Patna in connection with Shastri Nagar P.S. Case No. 907 of 2019, corresponding to G.R. No. 9873 of 2019, 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)

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