

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75701 of 2023**

Arising Out of PS. Case No.-540 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Md. Shahid Akhtar Son Of Md. Ziyarat Hussain Resident Of Village- 2348, Gali Mir Madari, Rodgran, Lal Kuan, Ps- Kotwali, Delhi Gpo, North Delhi, Delhi
 2. Bibi Tarannum @ Tarannum Khatoon Wife Of Md. Shahid Akhtar Resident Of Village- 2348, Gali Mir Madari, Rodgran, Lal Kuan, Ps- Kotwali, Delhi Gpo, North Delhi, Delhi

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Md. Meraj Ansari Son Of Md. Iqbal Resident Of Village- Champaran Ps- Naathnagar, Distt- Bhagalpur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Danish Sami, Adv.
For the Opposite Party/s : Mrs. Huma Siddiqua, APP

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

ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Complaint Case No. 540 of 2019 dated 02.04.2019 registered for the offences punishable u/ss 341, 323, 406, 420, 504 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the Complainant was involved in the business transaction with the petitioners and the co-accused persons since the year 2010 and during the course of the business, there was an amount due to the petitioner Md.



Sahid Akhtar of Rs. 13,07,841/- which he was to pay to the Complainant but he has not paid to him. It is further alleged that a Panchnama was also executed between the both sides, according to which, the petitioner has to pay the aforesaid amount to the Complainant. It is further alleged that the petitioner Sahid Akhtar assaulted the informant with iron rod on his head causing injury and the co-accused Md. Zahid snatched Rs. 2,500/- and Panchnama documents.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The said case was filed by the informant for recovery of the said amount. It is further submitted that the petitioners have no concern with the alleged offence. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. Learned counsel for the petitioners placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar & 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 of bail.”*

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



opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, 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, Bhagalpur in connection with Bhagalpur Complaint Case No. 540 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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