

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6665 of 2023

Arising Out of PS. Case No.-202 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. UMESH KUMAR SINGH Son of Malkhan Singh Resident of Village- Kapasia Tola, Ramna, P.S.- Paraiya, District- Gaya
 2. BADAL KUMAR Son of Malkhan Singh Resident of Village- Kapasia Tola, Ramna, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tuntun Kumar Son of Babu Ram Singh Resident of Village- Kapasia Tola, Ramna, P.S.- Paraiya, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Rai, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the complainant	:	Mr. Mrigendra Kumar, Advocate
		Mr. Ramashish, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-05-2023 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the complainant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have antecedent of three cases and all the cases have been filed by the complainant and on his side. It is further submitted that petitioners and the complainant are agnates.

Learned counsel for the petitioners next submits that



the complainant alleges that he had given Rs. 1,96,000/- to the petitioner no. 1 on various dates through Online and Rs. 40,000/- to petitioner no. 2 on 12.08.2013 through Online but the amount was not returned.

Learned counsel for the petitioners further submits that the petitioners have already returned the amount, as it has been specifically pleaded at Para-7, it is next submitted that even from perusal of the allegation as alleged, it would manifest that the same is civil in nature and in the even if the complainant is aggrieved by non-refund of the amount which he alleges to have given to the petitioners, then he has remedy available in law, but he cannot coerce the petitioners into submission by instituting a criminal case.

Learned counsel for the petitioners, at the cost of repetition, submits that the amount has been returned.

Learned A.P.P. for the State and learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioners.

Learned counsel for the informant submits that the amount has not been returned by the petitioners to the complainant but does not dispute the fact that they are agnates and the allegations are of civil nature.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 202 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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