

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7407 of 2024

Arising Out of PS. Case No.-1275 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Abhyanand Kumar Anand @ Pankaj, S/O Bhola Prasad Yadav @ Bhola
Yadav Village- Murarbigaha, Ps. Warisaliganj, Dist. Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Braj Nandan Yadav, S/o Basudeo Yadav R/o Village-Ohari, P.S.-Nawada
(Kadirganj), District-Nawada, State-Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kishor Prasad- Advocate
For the State	:	Mr. Ram Priya Sharan Singh- A.P.P.
For the Complainant	:	Mr. Hansraj

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 420, 406, 323 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and from bare
perusal of the allegation as alleged in the complaint, it would
manifest that the dispute is purely civil to which, a criminal
colour has been given.

4. It is further submitted that if what has been alleged



in the complaint is true, in that event, the complainant ought to have approached the Court of competent jurisdiction for recovering the amount, which he alleges to have given by way of loan to the petitioner for starting a business. It is further submitted that the petitioner disputes the allegation as alleged in the complaint, as such, it requires a trial. It is further submitted that criminal court should not be used as a tool for recovering money.

5. Learned A.P.P. along with learned counsel for the opposite party no.2 opposes the bail application of the petitioner, but are not in a position to rebut the submission of the learned counsel for the petitioner that in the event, if what has been alleged by the complainant is true, in that event, he has remedy before an appropriate forum and not before a criminal court.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nawada



in connection with Complaint Case No.1275 of 2022, subject to
the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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