

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7887 of 2024

Arising Out of PS. Case No.-1445 Year-2022 Thana- COMPLAINT CASE District- Araria

Shankar Rishideo Son Of Late Rashiklal Rishideo R/O-Jagir Halhaliya, Ward
No. 07, P.S.-SIMRAHA, Distt.-ARARIA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anupa Devi Wife Of Varendra Rishideo R/O-Jagir Halhaliya, Ward No. 03,
P.S.-simraha, Distt.-araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1445/2022 dated 21.07.2022 registered for the offences punishable u/ss 147, 448, 447, 323, 379, 354, 354B, 406, 420, 419, 504 and 506 read with 34 of the Indian Penal Code.

3. As per the prosecution case, one Anupa Devi had kept Rs. 3 lacs to construct her house but on 12.04.2019, the petitioner Shankar Rishideo took the said money from her by saying that he would return the money with interest at the time of construction of her house. Further after two years when the



complainant asked him to return the money, the petitioner denied to pay the same at that time and gave a receiving on letter pad regarding the payment of Rs. 3 lacs with interest. Again on 28.06.2022, when the complainant went to the house of the petitioner, the petitioner abused and assaulted her and denied to return the money.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. There is a delay of 3 years in lodging the complaint case. Learned counsel has submitted that there is no documentary evidence which shows that the petitioner had taken the said money from the complainant. Learned counsel for the petitioner 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."

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. 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, Araria in connection with Complaint Case No. 1445/2022 dated 21.07.2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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