

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9701 of 2024

Arising Out of PS. Case No.-636 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Sharvan Kumar S/O ASESAR MAHTO VILLAGE- HARIPUR, PS.
ROSEIRA, DIST. SAMASTIPUR, BIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

=====

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

ORAL ORDER

2 11-03-2024 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. 636 of 2021 dated 24.12.2021 for the offences punishable u/ss 406 and 420 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the petitioner is alleged to have purchased a car after taking loan of Rs. 4,20,000/- from Ganga Motors Pvt. Ltd. Krishna Nagar, Begusarai in which the guarantor was Shubham Kumar and did not pay the installments. The petitioner and the co-accused persons have committed cheating with the Complainant (Complainant being the Branch Manager of Shri Ram Transport Company Pvt. Ltd.)



under conspiracy and they have misappropriated Rs. 9,67,176/- including the interest. Thereafter, the notice was given to the accused persons but they refused to pay the installments.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. It is further submitted that the petitioner has no concern with the alleged offence. Learned counsel has further submitted that the allegation as contained in the complaint is civil in nature. It also involves commercial transaction. Learned counsel for the petitioner 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 prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, 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, Rosera, Samastipur in connection with Complaint Case No. 636 of 2021, 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)

Gautam/-

U		T	
---	--	---	--

