

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7677 of 2024

Arising Out of PS. Case No.-85 Year-2022 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Sanjay Chaudhary @ Sanjay Kumar Chaudhary, Son of Tilleshwar Chaudhari
@ Tileshwar Chaudhary, Resident of Village-East Railway Dhala, Sahdai
Buzurg, P.S.-Desari, District-Vaishali at Hajipur, State-Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Kumar Yadav, Son of Chandraketu Prasad Yadav, Resident of Village-
Gandhi Aashram, P.S.-Hajipur Nagar, District-Vaishali at Hajipur, State-
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate
For the State : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. In this case, the petitioner is apprehending his arrest

in connection with Complaint Case No. 85 of 2022, registered

on 07.01.2022 for the offences under Sections 420 and 406 of

the Indian Penal Code.

3. As per prosecution case, the petitioner while

working as helper with the complainant, took a loan of Rs.

13,15,500/- from the complainant on different occasions and

later on refused to return the same.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Except for the allegation, there is nothing on record to substantiate the claim of the complainant. Real fact of the case is that the petitioner had been working as a hired hand with the complainant. On saying of the complainant, he made payment for different articles towards the working of the complainant with regard to *Nal Jal Yojana* and the petitioner raised a demand of Rs. 18,55,000/- as labour and other cost and for grabbing the said amount, this false case has been lodged. The complainant has not mentioned the account number in which he transferred the amount of Rs. 7,26,500/- and Rs. 6,35,000/- has not been given to the petitioner in cash. Moreover, from the contents of the complaint petition, it is apparent that the present case has been lodged for recovery of money and the case is of civil nature. Filing of the present complaint case is of sheer abuse of the process of criminal law. Learned counsel further submits that the Hon'ble Apex Court has time and again held that criminal law is not akin of money recovery proceeding and has also held that dispute of civil nature should not be given a cloak of criminal offence. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the predominantly civil nature of dispute arising out of money transaction and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/court concerned in connection with Complaint Case No. 85 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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