

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8202 of 2024

Arising Out of PS. Case No.-3930 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Sushila Devi, W/O Baidnath Prasad MOHALLA- KEDARNATH GALI,
WARD NO. 4, PS. PHULWARISHARIF, DISTT. PATNA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Munna Yadav S/O Harihar Prasad Yadav R/O Mohalla- Alkapuri Road No.
10, Ps.- Gardanibagh, Dist. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 3930/2016 dated
29.11.2016 registered for the offences punishable u/ss 120B,
406, 420, 403, 406, 417 and 418 of the Indian Penal Code.

3. As per the prosecution case, the Complainant has
stated that he is a licensed money lender and the petitioner took
loan Rs. 40,000/- @ 2% interest per month for 100 days an
agreement was executed between the Complainant and the
petitioner. He has further stated that the petitioner should return
Rs. 424/- per day till 100 days. He has further stated that the



petitioner only returned Rs. 1696 only. He further stated that the petitioner did not return the rest amount and upon the request to return the loan amount, she told the Complainant that she would return in 100 days but after lapse of 100 days, she did not return the loan amount. Then, the Complainant sent a legal notice but the petitioner did not reply and the loan amount was not returned. Thereafter, the Complainant lodged the present case.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has returned the entire loan amount of the Complainant and thereafter he demanded the said agreement from the Complainant but the Complainant did not return the said agreement to the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. 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." The petitioner has no criminal antecedent as stated in para 3 of the bail petition.



5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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, Patna in connection with Complaint Case No. 3930 of 2016, 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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