

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22551 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MAHILA PS District- Gaya

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Gaurav Singh @ Dr. Gaurav Singh Son of Dr. Ratneshwar Singh @ Ratneshwar Prasad Singh Resident of F 503, Kashyap Green City, Abhimanyu Nagar, Kothwan, Mustafapur, P.O. and P.S. Rupaspur, Danapur, District- Patna, Pin Code- 801503

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raushan, Adv.
		Mr. Shahil Kumar, Adv.
For the Opposite Party/s :		Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-04-2024 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 Mahila Gaya P.S. Case No. 24 of 2023 dated 22.03.2023 registered for the offence/s punishable u/ss 406 and 420 read with section 34 of the Indian Penal Code and section 3 and 4 of Dowry Prohibition Act.

3. As per the prosecution case, the marriage of the informant's daughter, Sital Shandilya was fixed with the petitioner and the informant gifted several articles including Rs. 2,50,000/- on his birthday and the occasion of Chheka. It is further alleged that the co-accused Rita Singh also demanded



Rs. 5 lakh to start business. Thereafter, the informant learned that the petitioner has solemnized marriage with one Dr. Vaishnavi Sandilya then the informant asked the petitioner to return the amount and articles which were given to him but the petitioner and his family refused to return.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the informant's daughter was in love with one Punit Goyanka and she herself sent a joint photograph to the petitioner and refused to marry the petitioner. No any document which shows that the informant has paid Rs. 5 lakhs to the petitioner. It is further submitted that it is a case of civil nature. It is further submitted that in FIR a prayer is made to the police for recovery of money from the petitioner. 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." The petitioner has one 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, 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, Gaya in connection with Mahila Gaya P.S. Case No. 24 of 2023, 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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