

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19728 of 2024

Arising Out of PS. Case No.-721 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Mithilesh Kumar Mishra @Mithilesh Kumar @ Dr. Mithilesh Kumar Mishra
Son Of Uday Kant Mishra Resident Of Village-Basti Road, Infront Of Masjid,
Maner, PS- Maner, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sridhar Pathak Son Of Dhrutidhar Pathak Resident Of Village - Vishnu
Lane, Panchal Nagar, Takiyapar Danapur, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 379, 406, 420 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and has been falsely
implicated in the instant case by the complainant.

4. It is next submitted that from perusal of the
allegation as alleged in the FIR, it would manifest that the
dispute is purely civil to which a criminal colour has been given.



It is next submitted that in sum and substance the allegation as alleged in the complaint is that the complainant alleges that the petitioner had approached the complainant for getting his clinic constructed for an amount of Rs.66,91,000/-, but then after the work was done the petitioner did not pay the entire amount. It is also alleged that as of date Rs.8,25,000/- is still due. It is next submitted that the petitioner disputes the said allegation of the complainant and submits that in the event, if the complainant is aggrieved by the fact that some monetary dues still remains to be paid, in that event the appropriate remedy is to approach a court of competent civil jurisdiction. It is next submitted that criminal courts should not be used as a tool for creating pressure for recovering money.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class,



Danapur, Patna in connection with Complaint Case No.721(C)
of 2021, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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