

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17134 of 2024

Arising Out of PS. Case No.-279 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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ASHUTOSH KUMAR PANKAJ S/O LATE NAGESHWAR SINGH R/O
BACK HARDING ROAD NEAR ATI BACKWARD AYOOG AWASH NO. 3,
P.S- SACHIWALAYA, DISTT.- PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. AMANULLAH KHAN S/O LATE HAFIZ KHAN R/O MOHALA-
CHOTI BAZAR, MOGALPURA, P.S- KHAJEKALA, DISTT.- PATNA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sachina, Advocate
For the Opposite Party/s :	Ms.Madhuri Lata, APP
	Ms. Raj Dular Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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| 3 | 13-08-2024 | <ol style="list-style-type: none">1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the O.P. No.2.2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 420 of the IPC in connection with Complaint Case

No.279 of 2018.3. The learned counsel for the petitioner submits that

petitioner has been falsely implicated in the instant case by the

informant. It is next submitted that from perusal of the

allegation as alleged in the complaint, it would manifest that the

complainant alleges that a friendly loan based on agreement was |
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given to the petitioner, but then petitioner has not returned the loaned amount.

4. The learned counsel submits that the dispute is purely civil to which a criminal colour has been given. It is also submitted that at best it is a case of breach of agreement and if the condition of the agreement stands breached, in that event, complainant has remedies available in law and the complainant could have approached the court of competent jurisdiction for recovering his loan amount, where the petitioner would have put forth his submission either denying or accepting the claim. It is next submitted that the instant criminal case has been filed only to coerce the petitioner into submission, so that petitioner under fear of arrest comply with the fanciful demand of the complainant. It is also submitted that criminal courts are not meant to act like recovery agent.

5. The learned APP and the learned counsel appearing on behalf of the O.P. No.2 opposes the anticipatory bail application, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that the dispute is purely civil to which a criminal colour has been given.

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.10,000/- (Rupees Ten Thosuang) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna City, Patna in connection with Complaint Case No.279 of 2018, 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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