

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17452 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- JAHANABAD District- Jehanabad

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1. Vikash Kumar, son of Late Shiv Prasad Village- Kako Road Near Bus Stand, Ps- Jehanabad Dist- Jehanabad
 2. Deepak Kumar, son of Late Shiv Prasad Village- Kako Road Near Bus Stand, Ps- Jehanabad Dist- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Varun Kumar, son of Late Jamuna Prasad Moh- Professors Colony Ps- Jehanabad Dist- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 379, 504, 506, 406, 420 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case and have been falsely implicated in the instant case by the informant with an allegation that in the Year 2009, the informant had given



Rs.2,06,000/- to the petitioners on their asking as they were doing business of utensils and had a cloth shop. It is next alleged that petitioners had promised to repay the amount back, but then, petitioners never returned the amount and when the informant started demanding his money back, he was assaulted by the petitioners by rod on his head, but he managed to save himself as the blow hit him on his finger causing fracture.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is next submitted that it absolutely does not stand to reason that if the informant had given Rs.2,06,000/- to the petitioners in the Year 2009, why the instant case came to be instituted in the Year 2024 and why in between 2009, till institution of the F.I.R., no action was taken by the informant for recovering his money, which amply demonstrates that petitioners have been falsely implicated. It is also submitted that even presuming what has been alleged is true without admitting, in that event, the informant himself alleges that he had given a loan to the petitioners and if the loan has not been returned, in that event, he has remedies available in law for recovering the same, but then, criminal Courts cannot be used as a tool for recovering money.



5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jehanabad in connection with Jehanabad P. S. Case No.01 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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