

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34976 of 2024**  
**In**  
**CRIMINAL MISCELLANEOUS No.49668 of 2023**

Arising Out of PS. Case No.-676 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

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1. Ivon William Netal @ Ivon william Netal son of Late William Josek @ Late William Joseph Moh- Christen Quarter Ps- Bettiah Town Dist- West Champaran
  2. Joy William Netal @ Joy Ivon Natal son of Ivon william Netal Moh- Christen Quarter Ps- Bettiah Town Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr.Anil Kumar, Advocate          |
| For the Opposite Party/s | : | Mr.Binod Kumar, APP              |
| For the Informant        | : | Mr. Dharendra Nath Jha, Advocate |

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

ORAL ORDER

2      12-07-2024                      Heard learned counsels for the parties.

2. The present application has been filed on behalf of the informant for modification of the order dated 01.02.2024, passed in Cr. Misc. No. 49668/2023, by this Court.

3. Learned counsel for the informant has submitted that the petitioners were granted unconditional anticipatory bail beyond the acceptance by way of supplementary affidavit filed by the petitioners to pay all the money of the informant in four installments as stated in paragraph nos. 2 and 3 of the second supplementary affidavit and in paragraph nos. 5 and 7 of the supplementary affidavit filed by the petitioners.

4. It has further been submitted by learned counsel for



the petitioner that during the course of argument, it was observed that the petitioners will pay Rs. 4 lacs on 25.02.2024 before furnishing bail bonds. Second installment to be paid as Rs. 7 lacs on 20.05.2024. Third installment to be paid as Rs. 7 lacs on 20.08.2024 and the fourth and final installment to be paid as Rs. 7 lacs on 20.11.2024 as stated in para. 2 of the second supplementary affidavit filed on behalf of the petitioners but in the order dated 01.02.2024, passed in Cr. Misc. No. 49668/2023, the aforesaid observation/direction is not available. He has further submitted that if the aforesaid observation is not mention in the order dated 01.02.2024, passed in Cr. Misc. No. 49668 of 2023, the petitioners will not pay a single penny to the informant and after cheating the huge amount i.e., Rs. 25 lacs to the petitioners fill victory in the present case, it will be encouragement of cheating.

5. It is worthwhile to mention here that at the time of argument advanced on behalf of the learned counsel for the petitioners and while granting anticipatory bail to the petitioners, learned counsel for the petitioners has not submitted that the petitioners are ready and willing to refund Rs. 25 lacs to the informant in four installments i.e., Ist installment to be paid as Rs. 4 lacs on 25.02.2024, the second installment to be paid as Rs. 7 lacs on 20.05.2024, third installment to be paid as Rs. 7 lacs on 20.08.2024 and the fourth and final installment to be



paid as Rs. 7 lacs on 20.11.2024 as stated in para. 2 of the second supplementary affidavit filed on behalf of the petitioners. Although the said second supplementary affidavit was filed by the learned counsel for the petitioners and the same is also available on the record. It is further submitted that learned counsel for the informant did not appear during the hearing of the bail petition. Learned counsel for the petitioner has 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."

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the State, this Court is not inclined to allow the present modification application filed by learned counsel for the informant and the same is rejected.

(Chandra Prakash Singh, J)

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