

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22503 of 2024

Arising Out of PS. Case No.-1481 Year-2021 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Binod Kumar son of Late Bharat Prasad, Village- Balia Po- Balia Ps-
Maharajganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhuneshwar Pandey

For the Opposite Party/s : Mr. Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 406 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the complainant. It is next submitted
that the dispute is purely civil to which a criminal colour has been
given. It is further submitted that even presuming what has been
alleged is true in the complaint without accepting then the allegation
is that the complainant paid an amount of Rs.2,90,000/- to the
petitioner for purchasing a piece of land but the petitioner
subsequently refused and did not execute the sale deed nor is
returning the money. It is further submitted that if the petitioner is not



returning the amount which the complainant claims to have given for purchasing a piece of land in that event the remedy before the complainant was to approach a court of competent jurisdiction for recovering of monetary dues. It is further submitted that had the petitioner filed a money suit then the petitioner would have got an opportunity to rebut the claim of the complainant, it is next submitted that criminal courts should not be used as tool for recovering money dues.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Trial No.2248/2022, arising out of Complaint Case No.1481/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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