

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28387 of 2024

Arising Out of PS. Case No.-4956 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Bhushan Singh @ Rakesh Bhushan Son Of Nand Kishore Singh
Resident Of Village - Prabodhi Narendra, Pachiyari Tola, Sisauni, P.S. - Sarai,
District - Vaishali At Hajipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Fezauddin Ahmad Sonof Quasimuddin Ahmad Proprietor Of A.R. Poultry
Tranders/ Hunney Enterprises, Resident Of Federal Colony, House No. 497,
Ward No.8, P.S. - Phulwarisharif, District - Patna

... .. Opposite Party/s

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Appearance :

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

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

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 4956 of 2019 dated
23.09.2019 registered for the offence punishable u/s 406 of the
Indian Penal Code.

3. As per the prosecution case, the informant is a
poultry trader and the petitioner is his sub-dealer since 2013. As
per the business transaction, the account book shows that there
is ledger revenue which shows an outstanding amount of Rs.
1,21,51,233/- which is not being paid by the petitioner. It is



further alleged that on the ledger revenue, the petitioner has acknowledged this by putting his signature on revenue stamp.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is a case of civil dispute. Learned counsel has submitted that the petitioner was doing poultry business with the complainant time to time and paid the credited amount regularly. Learned counsel for the petitioner 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.*" The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of the learned court concerned, Patna in connection with Complaint Case No. 4956 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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