

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21479 of 2022

Arising Out of PS. Case No.-138 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Wasi Ahamed @ Wasi Ahamed Qasmi, Son Of Late Reyazur Rahman Resident Of Village - Balha, P.S. Bisfi, District - Madhubani.
 2. Waki Ahamad @ Wakki Ahamad Siddiani, Son Of Wasi Ahamed @ Wasi Ahamed Kajami Resident Of Village - Balha, P.S. Bisfi, District - Madhubani.
 3. Shanaz Begam, Wife Of Wasi Ahamed @ Wasi Ahamed Qasmi Resident Of Village - Balha, P.S. Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Jiya, Son of Md. Mohsin Resident of Village - Balha, P.S. Bisfi, District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr. Ravi Prakash
For the Opposite Party/s :		Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 25-04-2024 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 420, 406, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the complainant. It is further submitted that from perusal of the allegation as alleged



in the complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given.

4. It is also submitted that even presuming what has been alleged is true without admitting, then the complainant alleges that she had given a loan of Rs.1,50,000/- to the petitioners in the Year 2012 and the instant complaint came to be instituted in the Year 2018 i.e. after six years of alleged giving of loan to the petitioners. It is further submitted that there is no document to substantiate that any amount was given by the complainant by way of loan to the petitioners. It is further submitted that if the petitioners were not returning the amount, which complainant alleges to have given by way of loan, then nothing prevented the complainant from approaching a Court of competent civil jurisdiction for recovering the amount. It is also submitted that criminal case has been instituted after six years of loan being given to the petitioners, as such, even Money Suit stands barred. It is also submitted that Criminal Court should not be used as a tool for recovering monetary dues.

5. Learned A.P.P. opposes the anticipatory 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 A.C.J.M.-1st, Benipatti, Madhubani in connection with C. R. Case No.138 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)

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