

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30165 of 2024

Arising Out of PS. Case No.-3858 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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BHUSHAN SINGH S/O LATE RAJENDRA SINGH R/O VILLAGE-
CHAINPURWA, P.S- AWATARNAGAR, DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Brajendra Nath Pandey

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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 a case in connection with Complaint Case No. 3858 of 2022 dated 20.12.2022 registered for the offence/s punishable u/ss 147, 148, 323, 324, 420, 467, 468, 406 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have taken Rs.2,60,000/- for executing the sale deed, but he did not execute the same. When the complainant asked the petitioner to return his money, on which the petitioner pushed and abused the informant and he also threatened her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner has not taken any money from the complainant. It is further submitted that there is no proof of any valid money transaction between the parties. It is further submitted that it is a case of civil nature. 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 anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances , let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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, Saran at Chapra in connection with Complaint Case No. 3858 of 2022, subject to conditions as laid down under section 438(2) of the Code of



Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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