

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47567 of 2023

Arising Out of PS. Case No.-756 Year-2020 Thana- SARAN COMPLAINT CASE District-
Saran

-
1. Aruna Devi, aged about 38 years (Female), W/o Arjun Kumar, R/o Village-Shitalpur Siwana, P.S.-Dighwara, District-Saran.
 2. Arjun Kumar, aged about 42 years (Male), S/o Suman Ray, R/o Village-Shitalpur Siwana, P.S.-Dighwara, District-Saran.

... .. Petitioners

Versus

1. The State of Bihar.
2. Amit Kumar, W/o Late Satyadeo Singh, R/o Village-Shitalpur Babu Tola P.S.-Dighwara, District-Saran.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Nalin Kumar, Advocate
For the O.P. No. 2	:	Mr. Udai Shankar Singh, Advocate
For the State	:	Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 30-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No. 756 of 2020 dated 16.03.2020 registered for the offences punishable under



Sections 420 and 342 of the I.P.C.

4. As per the prosecution case, the complainant executed a piece of land on a consideration of Rs. 6,75,000/- to the petitioner no. 1 on the condition that the full payment would be made through cheque. The petitioner no. 2 gave two cheques of Rs. 1,00,000/- each, but both were dishonoured by the bank.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that no case under Section 420 of the I.P.C., is made out against the petitioners as the ingredients constituting the offence are missing. The petitioners have no concern with the alleged offence. The petitioners are purchasers of the land in question and they have paid full consideration money to the complainant in cash and cheques have been given by the petitioners to the complainant as a security money prior to execution of land in question but after execution the land, the complainant did not return the cheques and has implicated the petitioners in the present case. The petitioners have no intention to cheat the complainant from



the very beginning of transaction of money. Learned counsel for the petitioners has further 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 where the Hon'le 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 petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. It is a case of civil dispute.

6. Learned A.P.P. for the State and learned counsel for the complainant have opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Saran, in connection with Complaint Case No. 756 of 2020, subject



to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

- I. The petitioners are 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 petitioners are liable to be cancelled.
8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

