

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51412 of 2024

Arising Out of PS. Case No.-10237 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Umesh Rai Son of Rit Lal Rai R/O Bairiya, P.s.- Gopalpur, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priya Kumari D/O Daya Kishore Prasad R/O Uttari Mandiri, Near Dwarika School, P.s.- Budha Colony, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar
For the Informant	:	Mr. Brij Bihari Tiwari
For the Opposite Party/s	:	Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 11-09-2024 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Complaint Case No. 10237 of 2022 registered for the offence/s punishable u/s 420 of the Indian Penal Code.

3. As per the prosecution case, the petitioner being a broker along with the other co-accused persons are alleged to have prepared forged documents and cheated the informant and obtained Rs. 13,63,000 /- in the name of purchasing the land but the same was neither executed in the name of the informant nor the money was returned to the informant. It is further alleged



that the informant came to know that the petitioner in connivance with the other co-accused persons executed the said land in favour of one Ranjit Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has filed suit for specific performance of contract on 08.04.2022 bearing Title Suit No. 197 of 2022 against the accused Duryodhan Mahto and another who executed the said sale deed in favour of one Ranjit Kumar in deceitful manner. The petitioner is ready to return the said amount after the final order/judgement of the said Title Suit. It is further submitted that the complainant is fully aware that the petitioner filed Title Suit against Duryodhan Mahto and in spite of knowledge of the said Title Suit No. 197 of 2022, the complainant had filed the present complaint case. 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 one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.06.2024.

5. Learned counsel for the informant as well learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that the petitioner has received a total sum of Rs. 12,80,000/- through cheque and cash for which he has given receipt on agreement for sale.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Patna in connection with Complaint Case No. 10237 of 2022, with the following condition/s:-

(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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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