

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53061 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Kishore Yadav Son of Hari Yadav Village- Bada Belwa, P.S.- Ram Nagar, Dist.-West Champaran
 2. Manoj Giri Son of Late Sri Krishna Giri R/O Vill.- Kumhiya Khurd, P.s.- Ramnagar, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Babunandan Yadav Son of Sri Madan Yadav Village- Bada Belwa, P.S.- Ram Nagar, Dist.-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s :	Mr. Binod Kumar No.3, APP
	Mr. Milind Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-09-2024 Heard learned counsel for the petitioners, learned APP

for the State and the learned counsel appearing on behalf of the

informant.

2. The petitioner seeks bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 406, 504 and 506 of the Indian Penal Code in
connection with Trial No.1115 of 2024 Complaint Case No.89
of 2024.

3. The learned counsel appearing on behalf of the
informant submits that a counter affidavit is being filed, and the
same is taken on record.



4. It is next submitted that from perusal of the Annexure-3 to the counter affidavit it would manifest that the petitioners had accepted that an amount of Rs.80,000/- was received by cheque in his account, the cheque was issued by Sanjay Yadav, son of Madan Yadav for an amount of Rs.80,000/- which was credited in the account of Manoj Giri and Chhota Yadav. It is submitted that Rs.40,000/- was received in the account of Manoj Giri and Rs.40,000/- was received in the account of Chhote Lal Yadav. Further, it is also submitted that an amount of Rs.70,000/- by cash was also given.

5. The learned counsel appearing on behalf of the petitioners vehemently rebuts the said submission of the learned counsel appearing on behalf of the O.P. No.2. It is submitted that it has been submitted that an amount of Rs.40,000/- was credited in the account of Chhote Lal Yadav, but then Chhote Lal Yadav is not an accused in the instant case. It is next submitted that petitioner no.2 had taken Rs.40,000/- by way loan, but then the manner in which the loan amount is sought to be recovered cannot be countenanced for the reason that criminal courts are not meant to act as recovery agents. It is also submitted that if the complainant is aggrieved by the fact that the amount which he had given to the petitioner no.2 by way of



cheque is not being returned, in that event, he has remedy of approaching a court of competent civil jurisdiction. The learned counsel vehemently denies that Rs.70,000/- in cash was given to him. It is next submitted from perusal of Annexure-3 to the counter affidavit it would manifest that the same records that an amount of Rs.80,000/- was received in the account of Manoj Giri, but then the fact is otherwise, it is submitted that the learned counsel appearing on behalf of the O.P. No.2 himself submits that an amount of Rs.40,000/- was credited in the account of Chhote Lal Yadav who is not an accused, which amply demonstrates that the petitioner was forced to execute the said document i.e. Annexure-3 and it has not been recorded in the said document i.e. Annexure-3 that Rs.40,000/- was given in the account of Chhote Lal Yadav. It is also submitted that in sum and substance the allegation is that the complainant had given the money to the petitioners for purchasing land of the land owner, but then land owner has not been made an accused in the case.

6. The learned APP and the learned counsel appearing on behalf of the O.P. No.2 opposes the anticipatory bail application.

7. Be that as it may, the petitioners above-named, in



the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Munsif -cum- Judicial Magistrate Ist Class, Bagaha, West Champaran in connection with Trial No.1115 of 2024 Complaint Case No.89 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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