

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57973 of 2024

Arising Out of PS. Case No.-553 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Ajay Kumar SON OF BASROPAN SINGH R/O VILLAGE- UCHITPUR,
PS- SASARAM, DIST- ROHTAS (SASARAM)

... .. Petitioner/s

Versus

1. The State of Bihar
2. RITU KUMAR SHREEWASTVA SON OF VIRENDRA KUMAR
SHRIVASTAVA R/O VILLAGE- GARUNA, PS- AGARER, DIST-
ROHTAS (SASARAM), P/A- GOPALGANJ, PS - SASARAM NAGAR,
DIST- ROHTAS (SASARAM)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that petitioner was known to her and asked for a loan of
Rs.1 lakh for starting a business with an assurance that money
would be returned, accordingly, the complainant gave the
amount but the petitioner did not return the amount despite legal



notice being served on him.

4. Learned counsel for the petitioner submits that a purely civil dispute has been given a criminal colour. It is further submitted that the instant criminal case has been instituted only with a view to coerce the petitioner into submission so that he is compelled to fulfill the fanciful demand of the complainant. It is next submitted that criminal Courts are not to be used for the purposes of recovering money dues. It is also submitted that complainant has remedy of approaching a Court of competent civil jurisdiction for recovering the amount in accordance with law.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that criminal Courts are not meant to be used for recovering money dues.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rohtas Complaint Case No. 553 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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