

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59645 of 2024

Arising Out of PS. Case No.-819 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Vicky Kumar Son of Brij Kishore Sharma Resident of Village - Bombai, P.S. -
Pali, District - Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Prasad Son of Sri Jagdish Prasad Resident of Mohalla - Gulabi
Ghat, P.O. - Mahendru, Police Station - Sultanganj, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-09-2024
1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
418 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 a loan of Rs. 2.60 lakh was given to the petitioner
for medical purposes and the agreement entered in between the
complainant and the petitioner also recorded that complainant
may recover the said loan by selling petitioner's property, if he
fails to repay the loan amount, further the petitioner failed to



repay the loan amount for which legal notice was sent but then the same was not replied.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that even presuming what has been alleged is true without admitting then the dispute is purely civil to which a criminal colour has been given. It is also submitted that the complainant herself alleges that the loan was given in pursuance of an agreement and if the condition of the agreement stands breached then the complainant has a remedy available in law of approaching the court of competent civil jurisdiction. It is next submitted that the criminal courts are not meant to act as recovery agents.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case



is pending/successor court in connection with Complaint Case
No. 819 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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