

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59684 of 2024

Arising Out of PS. Case No.-6718 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Amit Kumar, Son of Ajit Kumar Resident of Makhanpur Idgah Road, Police
Station - Alamganj, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar, Son of Late Shiv Prasad Resident of Mohalla - Ram Lakhan
Path, Veena Sadan, Ashok Nagar, Road No.8, Ram Lakhan Path, Lohiya
Nagar, Police Station - Kankarbagh, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Praveen Kumar
For the Opposite Party/s :	Mr. Upendra Kumar
	Mr. Arvind Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-09-2024 1. Heard learned counsel for the petitioner, the

learned counsel appearing on behalf of the complainant and

learned APP for the State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 420, 323 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that

the petitioner is a person with clean antecedent and the

complainant alleges that complainant and petitioner are

employees of PMCH and the complainant had given a loan of

Rs.3 Lacs to the petitioner based on an agreement made on



stamp paper in between the petitioner and the complainant, but then, the petitioner failed to repay the loan amount within the stipulated time as recorded in the agreement. Thereafter, on 12.06.2023, a legal notice was sent, but then, the same was not replied.

4. The 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 from perusal of the allegation as alleged in the complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that the complainant himself alleges that based on an agreement the loan was provided and if the loan has not been repaid, in that event, the complainant can seek remedy available in law before a Court of competent of Civil Jurisdiction for recovering the loan amount, but then, the complainant has instituted the instant criminal case in order to coerce the petitioner into submission for recovering the loan amount under fear of arrest. It is also submitted that criminal Courts are not meant to act as recovery agents.

5. Learned A.P.P. and the learned counsel appearing on behalf of the complainant opposes the anticipatory bail



application.

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 Court below within a period of six weeks, is directed to be released on bail on his 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 Dhananjay Pandey, the learned Judicial Magistrate, 1st Class-XIV, Patna in connection with Complaint Case No.6718 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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