

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65244 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Rashmi Devi @ Rashmi Kumari Wife of Amrendra Singh @ Amrendra Kumar.
 2. Amrendra Singh @ Amrendra Kumar Son of Vinesh Singh @ Vinesh Sharma Resident of Village - Nathupur, P.S. - Bihta, District - Patna, At present residing at - Miranjha, P.S. -Bihta, District - Patna
- Petitioner/s

Versus

1. The State of Bihar.
 2. Umesh Singh Son of Late Shatrughan Singh Resident of Village and P.O. - Painal, P.S. - Bihta, District – Patna.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishore Sharma, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 406, 468, 323, 341, 504/34 of the IPC in connection with Complaint Case No.539 of 2023.

3. The learned counsel for the petitioners submit that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case and the complainant alleges that he was having good relations with the petitioners and he had even married his daughter Soni on advise of petitioners, but in



the marriage also the petitioners committed fraud, it is next alleged that petitioners requested him to loan money as they required for building a house with an assurance that the money would be returned within five months, as such the complainant transferred an amount of rupees eleven lakhs in the account of Rashmi (petitioner no.1), further alleges that when he went to the house of the petitioners on 30.04.2023 for asking them to return the money, the accused abused and assaulted.

4. The learned counsel appearing on behalf of the petitioners submit that petitioners have been falsely implicated in the instant case by the complainant. It is also submitted that it is not in dispute that an amount of rupees eleven lakhs was credited in the account of Rashmi by the complainant, but then the said amount was taken by way of loan. It is also submitted that if the loan has not been repaid in time whether it gives rise to a criminal cause of action. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that the Hon'ble Supreme Court in catena of decisions has held that criminal courts are not meant to act as recovery agents. It is further submitted that if the loaned amount has not been returned by the petitioners to the complainant, in that event, complainant has remedy of approaching a court of



competent civil jurisdiction for recovering the monetary dues. It is further submitted that no useful purpose would be served by issuing notice to the O.P. No.2 in the nature of dispute and the submissions recorded herein above.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory 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 Additional Chief Judicial Magistrate, Danapur in connection with Complaint Case No.539 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)

Prakash Narayan

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