

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68113 of 2023**

Arising Out of PS. Case No.-152 Year-2023 Thana- FESHAR District- Aurangabad

ANIRUDH SINGH @ BUCHAN @ ANIRUDH KUMAR SHARMA @
ANIRUDH KUMAR SON OF LATE GIRJANANDAN SHARMA
RESIDENT OF VILLAGE- BASDIHA KALA, PS- FESAR, DISTT-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 6 08-05-2024 1. Heard learned counsel for the petitioner and learned APP for the State along with learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 406, 420, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely implicated in the instant case by the informant. It is next submitted that a purely civil dispute has been given a criminal colour. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that petitioner approached the informant and her husband for seeking loan of Rs. 2,50,000/- for getting job for his son and



accordingly the informant gave Rs. 2,50,000/- to the petitioner, based on which, the petitioner gave 2.5 *Bighas* of his land to the informant for doing agricultural work in lieu of the money taken. It is next submitted that thereafter informant alleges that the petitioner forcibly took the land from his possession in the year 2020 and did not even return the money which he had taken.

4. The learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the loan was given in the year 2019 and land of the petitioner was taken by the informant in the year 2019 itself and thereafter informant did agricultural work on the land and earned money and the petitioner even returned Rs. 2,25,000/- to the informant but then came to be implicated in the instant false case. It is next submitted that if petitioner had taken the land back from the informant in the year 2020 itself then why the instant case came to be instituted in the year 2023 i.e. after a delay of three years. It is also submitted that the informant ought to have moved before a Court of competent civil jurisdiction for recovering the monetary dues where the petitioner would also have got an opportunity either to accept or rebut the claim of the informant, but instead of resorting to the



remedies available in law, the instant criminal case came to be instituted with a view to coerce the petitioner into submission.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the case has been instituted after a delay of three years and the dispute is purely civil to which a criminal colour has been given.

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 Fesar P.S. Case No. 152 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. At this stage, the learned counsel for the informant submits that the instant criminal case has been instituted for recovering the monetary dues, as the petitioner after taking the



amount of Rs. 2,50,000/- did not return the said amount.

8. The Court completely fails to appreciate the said submission of learned counsel appearing on behalf of the informant that if the loan amount was not returned by the petitioner, as such, the criminal case has been instituted which amply demonstrates that the instant case has been instituted only with a view to coerce the petitioner into submission.

(Satyavrat Verma, J)

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