

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70372 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- GOPALPUR District- Patna

RAHUL KUMAR SON OF MAHENDRA SINGH RESIDENT OF
VILLAGE - SONA GOPALPUR, P.S. - GOPALPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

2. Rajiv Ranjan, S/o Indradeo Prasad, R/V Maira, P.O. + P.S. Katrisarai,
District Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 26-04-2024 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, 420
and 120B of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
from perusal of the office report dated 25.04.2024, it would
manifest that the same records that ordinary notice has been
received by the father of the opposite party no. 2.
4. Since the notice has been received by the father of
the opposite party no. 2 as such the notice is deemed to have
been validly served.
5. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely



implicated in the present case by the opposite party no. 2. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that Ram Prabesh Mahto along with two others had moved this Court seeking anticipatory bail by filing Cr. Misc. No. 49798 of 2022 and the same was allowed by an order dated 15.12.2022 passed by a Coordinate Bench of this Court. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Ram Prabesh Mahto and Om Nath Mahto. It is further submitted that if the opposite party no. 2 was aggrieved by the conduct of the accused persons in not returning the amount which was given by way of consideration for executing sale deed, the opposite party no. 2 ought to have moved before a Court of competent Civil Jurisdiction for recovering monetary dues but then the Criminal Court should not be used as a tool for recovering monetary dues.

6. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 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 Gopalpur
P.S. Case No. 59 of 2022, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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