

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77127 of 2023

Arising Out of PS. Case No.-494 Year-2023 Thana- RAMPUR District- Gaya

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1. PRAMOD KUMAR ROY S/o Late Ragho Roy R/o Mohalla - Gewal Bigha, Jagarnath Mandir, P.O. - Samir Takeya, P.S. _ Rampur, Dist - Gaya, Bihar
 2. Renuka Roy W/o Pramod Kumar Roy R/o Mohalla - Gewal Bigha, Jagarnath Mandir, P.O. - Samir Takeya, P.S. _ Rampur, Dist - Gaya, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ujjawal Kumar Singh, Adv. Mr. Sanjeev Kumar Jha, Adv.
For the Informant	:	Mr. Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Rampur P.S. Case No. 494 of 2023 dated 01.08.2023 registered for the offences punishable u/ss 406, 420 and 504 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, it is alleged that when the informant went to demand his dues amount of Rs.



90,00,000/- from the petitioners then they denied to return the said dues amount and threatened to implicate in false case.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that it is a case of civil nature. Learned counsel for the petitioners placed reliance on the judgment in the case of **Bimla Tiwari Vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail." The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that the petitioner no. 1 has executed a deed of acceptance to refund in four equal installments but he did not comply his own undertaking.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on



furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Rampur P.S. Case No. 494 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition-:

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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