

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78800 of 2023

Arising Out of PS. Case No.-342 Year-2023 Thana- KISHANGANJ District- Kishanganj

Gopal Kumar Jha Son Of Late Kapil Kumar Jha Resident Of Village-
Dharamganj P.S -KISHANGANJ District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dilip Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Vinod Shanker Modi, APP
For the Informant/s :	Mr. Abhijeet Abhigyan, Advocate
	Mr. Kumar Prabhakar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-01-2024 Learned counsel for the petitioner 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 petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioner is apprehending his arrest in connection with Kishanganj P.S. Case No. 342 of 2023 dated 23.08.2023 registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code.

4. As per the prosecution case, the informant went to the Micro-finance Company of the petitioner for taking a loan.



The petitioner assured that 20% of the loan amount would have to be deposited and the loan of Rs. 5 lacs would be sanctioned. Further, the informant deposited Rs. 1 lac but the petitioner did not sanction loan of Rs. 5 lacs and abused him and did not return the deposited amount.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. Learned counsel for the petitioner 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."

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Kishanganj in connection with Kishanganj P.S. Case No. 342 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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