

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78971 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Ram Bilash Yadav @ Ram Bilash Singh @ Ram Belas Singh Son Of Late
Sardar Singh Resident Of Village- Bhabua Ward No. 20, P.S. Bhabua,
District- Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jay Prakash Singh, Adv.
For the Informant	:	Mr. Rajesh Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad, APP

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

ORAL ORDER

2 11-01-2024 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 counsel for the informant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Kaimur at Bhabua P.S. Case No. 266 of 2023 dated 02.04.2023 registered for the offence/s punishable u/ss 420, 467, 468, 406, 504 and 506 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have concealed the Scorpio vehicle of the informant's mother soon after she died and the petitioner some how got his name entered in place of the husband of the informant's mother in some documents related to the said vehicle and thereafter the petitioner refused to hand over the said vehicle to the informant.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that the voter ID card of Dulari Devi which was prepared in the year 2005 reflects the name of her husband as Ram Bilash and also the Aadhar Card of Dulari Devi discloses the name of her husband as Ram Bilash Singh. It is further submitted that it is a case of civil nature. 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." The petitioner has two other criminal antecedents 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 anticipatory bail petition 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 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, Kaimur at Bhabhua in connection with Kaimur at Bhabhua P.S. Case No. 266 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the following condition/s:-

(i). The petitioner is 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 bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

U			
---	--	--	--

