

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.423 of 2024

Arising Out of PS. Case No.-35 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Saroj Kumar Chaudhary @ Saroj Chaudhary Son of Rajendra Chaudhary
Resident of village- Eruasafitol, Bhaduli, P.S.- Arer, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pawan Kumar Sah son of Baiju Sah Resident of village- Arer Hat, P.S.- Arer,
District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Anish Chandra

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

ORAL ORDER

2 12-02-2024 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.

3. The petitioner is apprehending his arrest in

connection with Complain Case No. 35 of 2020, dated

21.01.2020, registered for the offences punishable under

Sections 420, 120(B), 341, 323 of the Indian Penal Code and

cognizance has taken under Sections 420, 323, 504 of the Indian

Penal Code.

4. As per the prosecution case, the petitioner had



taken Rs. 3 Lakh from the complainant about 8-9 years ago on the assurance that he would return the amount within two years. Thereafter, when the complainant demanded money from the petitioner, the petitioner in presence of two witnesses told that he would return the money within three months and if there was delay then he would pay the amount with interest. After that the petitioner refunded only Rs. 20,000/-. On 18.01.2020, he went to the house of the petitioner and demanded to return the rest money, then the petitioner misbehaved with the complainant, abused him and threatened that in the event of filing the case, he would face the consequences.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in Para 3 of the bail petition. He further submits that petitioner has never taken any money from the complainant and he has been made accused in the present case due to earlier enmity. Learned counsel for the petitioner placed reliance on the judgment in the case of ***Bimla Tiwari vs. State of Bihar & 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 of bail.”He further submits that complainant has not produced any cheat of paper regarding the amount of Rs. 3,00,000/- given to the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the nature of allegation levelled against the petitioners, 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 learned Court concerned, Benipatti, Madhubani, in connection with Complain Case No. 35 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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