

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2807 of 2024

Arising Out of PS. Case No.-762 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Birendra Kumar Singh SON OF AKSHAY KUMAR SINGH RESIDENT OF VILLAGE- SISIRATA TOLA, PO- SISIRATA, PS- NOKHA, DISTT- ROHTAS
 2. Vikas Singh @ Vikas Raj @ Vikas Kumar SON OF BIRENDRA KUMAR SINGH RESIDENT OF VILLAGE- SISIRATA TOLA, PO- SISIRATA, PS- NOKHA, DISTT- ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Moti Singh SON OF Harihar Singh RESIDENT OF VILLAGE- TENDUA, PS- AGRER, DISTT- ROHTAS

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Complaint Case No. 762 of 2023 dated 14.07.2023 registered for the offence/s punishable u/ss 406, 420, 379 and 504 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have taken Rs. 10 lakhs from the complainant in lieu of transferring his land bearing Khata No. 160, plot no. 1358 area 18 Kattha situated under mauza



Sisirata to him but the petitioners neither transferred the land nor returned the said money received by him. It is further alleged that the petitioners harvested the paddy crops worth Rs. 35,000/- which was planted by the complainant in the aforesaid land.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that it is a case of civil dispute. It is further submitted that the petitioners did not take Rs. 10 lakhs from the complainant and no any paper was made by the complainant at the time of giving such huge amount in this regard. 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.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. 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, Sasaram, Rohtas in connection with Complaint Case No. 762 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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