

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8624 of 2025

Arising Out of PS. Case No.-935 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Sharwan Paswan S/o- Basant Paswan Resident of village- Fajalli chak Po-
Bankipur Machhariyawana PS-Fatuha District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Singh S/o- Late Ram Prasad Singh r/o- Shivchak Po Ps- Fatuha
Dist- Patna A/P- Shishamil Fatuha Po Ps-Fatuha Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 406, 420 of
the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the complainant
alleges that the petitioner had taken a loan of Rs.8, 59, 550/- for
constructing his house and had promised that after selling the
land the money will be returned within an year but then money
was not returned, accordingly, the complainant sent a legal
notice on 20.06.2019, in reply of the same, the petitioner



admitted of taking loan of Rs.1.5 lacs only but then the petitioner has not returned the money.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is further submitted that if petitioner has not returned the amount which the complainant claims to have given by way of loan in that event the complainant has remedy of approaching a court of competent civil jurisdiction for recovering the dues. It is further submitted that the criminal case has been instituted only with a view to coerce the petitioner into submission so that out of fear he parts with the fanciful demand of the complainant.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No.935/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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