

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30604 of 2024

Arising Out of PS. Case No.-454 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Pintu Sharma Son Of Surendra Sharma Resident Of Viillage - Kanp Bazar, P.S. - Saur Bazar, District - Saharsa
2. Manikant Kumar @ Jagannath Kumar @ Manikant Sharma Son Of Surendra Sharma Resident Of Village - Kanp Bazar, P.S. - Saur Bazar, District - Saharsa
3. Surendra Sharma Son Of Late Bhuneshwari Sharma Resident Of Village - Kanp Bazar, P.S. - Saur Bazar, District - Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Prabhunath Sah Son Of Late Mahadeo Sah Resident Of Village - Sripur, P.S. - Madhepura, District - Madhepura. At Present - Resident Of Gandhi Path, Ward No. 14, Bajranjbali Mandir Ke Purab, P.S. - Saharsa, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Adv Mr. Bhaskar Shankar, Adv
For the Opposite Party/s :	Mr. Yogendra Kumar, APP
For the Informant	Mr. Chandra Mohan Jha, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

11 19-06-2025 Heard Mr. N.K. Agrawal, learned senior counsel
for the petitioners , Mr. Chandra Mohan Jha, learned counsel for
the OP NO. 2/ informant and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner no. 1, Pintu Sharma, who stated himself being engineer of Reliance Company induced the informant under the pretext of installing



Tower and he along with Jay Kishore Das took Rs. 15 lakhs in cash from about nine persons but did not install Tower and as such cheated the amount from the persons. Further, it has been alleged that the said Pintu Sharma in collusion and cooperation with his brother Manikant Sharma and Surendra Sharma, who are petitioner nos. 2 and 3 further took some amount for the purposes of constructing boundary and for installing pillar over the land and further, the informant also made a payment of Rs. 7 lakhs from his bank account on different dates. The informant alleges that in total, he has been cheated Rs. 77 lakhs by the present petitioners.

4. Learned senior counsel appearing on behalf of the petitioner submits that the informant / OP. No 2 has been raising false claims against the petitioners and as a matter of fact, the petitioner no. 1 is a constructor in Delhi while the petitioner nos. 2 and 3 are residing in the village and as a matter of fact, the petitioner no. 1 had given money to the informant for the treatment of his wife. Further as per the understanding, 6 Bighas of land was to be purchased by the informant in the name of petitioner no. 1 for which Rs. 48, 50,000/- was given to the informant on different dates but after realizing that the land was not purchased in the name of the petitioner no. 1, the said



amount was demanded back which was not returned by the informant. It has further been submitted that for the rest of the money an agreement was executed on 27.01.2022, a pleader notice was given on 18.03.2023 and applications were also given to the Superintendent of Police and other authorities on 20.03.2023 and only thereafter, the present case was lodged on 12.07.2023. Further, a complaint case was also filed on 24.11.2023 by petitioner no.1 subsequently, for the said claims of the petitioners. It has also been argued that the matter any how relates to a civil dispute relating to money transaction and the informant has wrongly filed a criminal case. Further, there is no chit of paper which would show the heavy transaction of Rs. 77 lakhs but for some transaction of pay phone for an amount Rs. 7 lakhs.

5. Mr. Chandra Mohan Jha, learned counsel appearing for the informant however, submits that the informant has been duped of a substantial amount of Rs. 77 lakhs and hence, he vehemently opposes the grant of bail and also submits that the legal notice as alleged by the petitioners has not been received by the informant.

6. Be that as it may, taking into the consideration the fact that the dispute is civil in nature and the process of criminal



law cannot be utilized for arm-twisting and money recovery, particularly, while opposing prayer for bail as has been held by the Hon’ble Supreme Court in the case of Bimla Tiwary vs. State of Bihar reported in (2023) 11 SCC 607, it is directed that the petitioner, above named, in the event of his arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Saharsa Sadar P.S.Case No. 454 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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