

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33124 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- BIHTA District- Patna

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Bhaskar Son of Shiv Bachan Sahu Resident of Village- Vishunpura , P.S-
Bihta, Dist- Patna (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Krishna Deo Tiwary S/O Late Nathuni Tiwari R/O Judges Colony P.S.
Danapur Dist Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ghanshyam Tiwary, Advocate
For the O.P. No.2	:	Mr. Jitendra Kumar, Advocate
For the State	:	Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 18-06-2025 Heard learned counsel for the petitioner, learned counsel

for the opposite party no.2 and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 420 and 120B
of the Indian Penal Code.

3. The prosecution case, as disclosed in the first information
report, is that the petitioner fraudulently got government land
registered in the name of the wife of the informant and, in lieu
of the same, he took a sum of Rs.14,00,000/- from the
informant.

4. In previous order dated 16.04.2025, it is recorded that the
petitioner had returned Rs.8 lakhs to the informant and Rs.6
lakhs was since due to be returned. Today, it is informed that



out of Rs.6 lakhs, Rs.2 lakhs have already been returned to the informant and Rs.4 lakhs is still due. It was agreed on the last occasion that while the petitioner would return the entire amount of Rs.6 lakhs, the informant would be re-registering the said land in favour of the petitioner. However, it is stated that neither the entire amount was paid to the opposite party no.2 nor the opposite party no.2 could fulfill his part obligation.

5. It is submitted by learned counsel for the petitioner that the case in hand is purely civil in nature and he has already returned most of the amount to the informant and further the process of criminal law cannot be used for the purposes of recovery of money and there are alternative legal remedies for the same.

6. Learned counsel for the opposite party no.2, however, stands by the allegations made in the first information report and submits that fraud has been committed on behalf of the petitioner.

7. Having regard to the facts and circumstances of the case and the rival contentions made on behalf of the parties, this Court feels that since the matter relates to money transaction and most of the money has been returned by the petitioner to the informant, let the above named petitioner, be released on bail, in



the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees 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 connection with Bihta P.S. Case No.29 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. However, this Court would expect that since the petitioner has not entered into another agreement as informed by the informant’s counsel, best of efforts should be taken on behalf of the petitioner and on behalf of the informant to resolve the issue once and for all.

(Soni Shrivastava, J)

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