

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44852 of 2025

Arising Out of PS. Case No.-15 Year-2023 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Shahabuddin Ansari @ Md. Shahabuddin S/o Md. Sanaullah Ansari R/o vill - Ward no. 6, Near Masjid, Simiyahi Yadupatti @ Semara, P.S. - Pupri, Distt.- Sitamarhi, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjit Kumar S/o Satya Narayan Ray R/o vill - Temhua, ward no. 2, P.s.- Pupri, Distt. - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Adv.

Ms. Diksha Kumari, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-09-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No.2 Mr. Ashhar Mustafa.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the complainant alleges that he along with other co-accused persons formed a Self-Help Society, namely, Samraj Bachat and Self Supporting Co-operative Society Ltd., Pupri and the same was registered with the Government of Bihar. It is next submitted that one Satrugan Ray was appointed as Branch Manager. It is further



alleged that Satrugan Ray gave loan of an amount of Rs. 1 lakh to the petitioner and the wife of the Branch Manager became the guarantor. It is next alleged that petitioner returned an amount of Rs.39,000/- and thereafter the rest of the amount was never returned. It is also alleged that Satrugan Ray in connivance with his wife and petitioner, misappropriated an amount of Rs.2,56,289/-.

4. Learned counsel for the petitioner submits that a civil dispute has been given a criminal colour. It is next submitted that even presuming what has been alleged is true without admitting then the complainant has remedy of recovering the amount from the petitioner but then the instant criminal case has been instituted only with a view to coerce the petitioner into submission so that fanciful demand of the complainant is made, when petitioner is ready to pay the legitimate due. It is also submitted that wife of the Branch Manager has also instituted a complaint case against the present complainant alleging that her invested amount is not being returned. It is next submitted that the wife of the Branch Manager is guarantor of the loan amount of the petitioner and in the event if the complainant returns the amount which the guarantor has invested in that event also the complainant can



recover the said amount from the guarantor.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No.2 opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that complainant has remedy in law to recover the due amount from the petitioner without resorting to a criminal proceeding.

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.15/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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