

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57816 of 2024

Arising Out of PS. Case No.-15584 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Alok Ranjan Son of Surya Kant Mishra Resident of village - Akhtiyarpur
Chandauli, Tola Mujauna, Post Nirpur, P.S.- Waini, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Pandey Son of Late Shashi Bhushan Pandey R/O Village -
More, P.S.- Mokama, District - Patna at Present R/O Ravi Shanti Satar
Digha, P.S.- Digha, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha, Advocate Mr. Surya Kant Mishra, Advocate
For the Complainant	:	Mr. Apurva Kumar, Advocate
For the Opposite Party/s	:	Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 04-08-2025 1. Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party

No.2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 15584(C) of 2022 registered under
Sections 406, 420 and 120(B) of the Indian Penal Code on
23.12.2022.

3. The allegation in the complaint is that the
complainant had given an amount of Rs.75,000/- to the
petitioner through account and his wife had given an amount of
Rs.25,000/- to the petitioner in cash to the petitioner through



Punam Singh on an assurance that the petitioner and Punam Singh would return the amount on 22.12.2019. It is further alleged that after four days, the wife of the complainant again gave an amount of Rs.50,000/- to Punam Singh as a loan, but the said amount was not returned.

4. Learned counsel appearing on behalf of the petitioner submits that one Punam Singh was in the business of stitching clothes and was known to the wife of the complainant, who was a regular visitor there. It seems that on account of some business there was some money transaction between the parties and so far as an amount of Rs.75,000/- is concerned, which was paid into the account of the petitioner has already been paid back to the complainant. It is further submitted that the dispute is with regard to money transactions, which is purely civil in nature and no ingredient of any criminal offence is made out against the petitioner. It has also been submitted that the complaint has been filed after an unexplained and substantial delay of three years from the date of occurrence.

5. Learned counsel appearing on behalf of the opposite party No.2, however, opposes the grant of anticipatory bail on the ground that a total amount of Rs.1,00,000/- as per the complaint and Rs. 75,000/- subsequently was taken from the



complainant by the petitioner and the co-accused. It has also been submitted that the opposite party No.2 has brought on record the agreement reached between the parties, the cheque of Rs.75,000/- and the encashment of the same. Further, it has also been pointed out that the petitioner is an accused in another case of similar nature. However, it is submitted on behalf of the petitioner that he is on bail in the said case.

6. However, at this stage an offer has been made on behalf of the petitioner that an amount of Rs. 25,000/- would, however, be deposited before the Court concerned, which would be subject to the final outcome of the case.

7. Taking the rival contentions into consideration and considering that the matter seems to be related with business transactions and criminal cases cannot be used as a mechanism for recovery of money in view of the judgment of Hon'ble Supreme Court in case of Bimla Tiwari vs. State of Bihar & Ors. (Special Leave Petition (CRC) No. 834-835 of 2023), it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case No. 15584(C) of 2022 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 Judicial Magistrate, 1st Class, Patna, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the learned Court below would however, verify the criminal antecedent of the petitioner before releasing him on bail.

(Soni Shrivastava, J)

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