

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71711 of 2024

Arising Out of PS. Case No.-575 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Baiju Kumar Son of Dev Nandan Yadav @ Dev Nandan Prasad Yadav @
Devenadan Prasad Yadav Resident of Kumhrar, Naya Tola, PO- Bahadurpur,
Housing Colony, PS- Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalji Paswan Son of Late Baijnath Paswan Resident of Village- Hasanpur
Par Nadi, PS -Beur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Parmeshwar Vishwakarma, Adv.
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Complainant	:	Mr. Majid Mahboob Khan, Adv. Mr. Rashid Zafar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 30-06-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

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

3. The allegation in the complaint is that after taking an
amount from the informant to execute the sale deed, one Munna
Kumar with whom the agreement to sale had been entered into
refused to do the same and even did not return the money.

4. Learned counsel for the petitioner submits, at the
outset, that the agreement to sale was entered into between the



informant and co-accused Munna Kumar and Annexure-P/2 which is the agreement to sale would also indicate that the money had also been received by the said Munna Kumar. So far as the present petitioner is concerned, it would appear from page 4 of the said agreement to sale that he had only signed as a witness to the said agreement. It is further pointed out that the present dispute is purely a civil one and the same is mainly against co-accused Munna Kumar. It is also pointed out that accused Munna Kumar had surrendered and has been granted the privilege of regular bail vide order 13.12.2024 passed in Cr. Misc. No. 62743 of 2024.

5. Learned APP for the State and learned counsel for the complainant, however, oppose the prayer for anticipatory bail on the ground that an amount of Rs. 12 lacs was deposited in the account of the present petitioner also. In response to the same, it is submitted on behalf of the petitioner that even if the said allegation is said to be true, the money had been accepted only on behalf of co-accused Munna Kumar and the complainant always has the remedy of filing a money suit for recovery before the competent Court of civil jurisdiction and relies upon a judicial pronouncement by the Hon'ble Supreme Court of India made in ***Bimla Tiwari vs. State of Bihar & Ors.***



(Special Leave Petition (Crl.) Nos. 834-835 of 2023) wherein it was held that the process of criminal law cannot be utilised for arm-twisting and money recovery.

6. Taking into consideration the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 575 (C) of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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