

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71343 of 2024

Arising Out of PS. Case No.-436 Year-2022 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

Uma Shankar Ranjan Son of Chit Narayan Mehta Resident at Village -
Jagdishpur, P.S. - Karjain, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Chandan Ray Son of Medni Prasad Resident of Village- Bakhari, P.S.
- Akbarpur, District- Nawada. At present Resident at Bangalipar, P.S. -
Shekhpura, District - Shekhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bindeshwar Prasad Singh, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the O.P. No.2	:	Mr. Satish Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-06-2025 1. Heard learned counsel for the petitioner and

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.436C of 2022 registered under sections

406 and 419 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner

had offered to the complainant and his friends that he would

arrange a job if they would spend money and had taken some

amount in his account on different dates but the complainant did

not get the job as promised by the petitioner.



4. Learned counsel for the petitioner submits that as a matter of fact the petitioner and the complainant were staying in the same lodge and were preparing for B.P.S.C examination and whenever the complainant needed money for his studies or for paying the coaching fees, his money from his family used to come into the petitioner's bank account. Later on, it is said that there was some dispute between the complainant and the petitioner and the present false case was lodged against him. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2 who submits that the petitioner had taken a total amount of Rs. 1,09,750/- by way of UPI and Bank transaction from the complainant on the promise of getting him a job which promise was not kept.

6. This Court cannot agree to the contention of the complainant as any money given for an illegal purpose would not be taken into consideration and also process of criminal law cannot be utilised for arm-twisting and money recovery as held even by the Hon'ble Supreme Court in the case of ***Bimla Tiwari vs. State of Bihar & Ors. (Special Leave Petition (CRL) No.***



834-835 of 2023). However, to show his *bona fide*, learned counsel for the petitioner makes an offer that he would be returning an amount of Rs. 40,000/- which he has received from the opposite party no.2 in his Bank account within a period of four weeks.

7. Let 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.436C of 2022 on furnishing the receipt of Rs. 40,000/- to the complainant and also bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1st, Sheikhpura, 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.

(Soni Shrivastava, J)

Harsh/-

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