

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75221 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Nand Kishore Tripathi Son of Late Rama Shankar Tripathi Resident of
Village - Ramgarh, P.S. - Ramgarh, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajvansh Singh Son of Indradev Singh R/O Vi.- Bhabua Ward no. 6, Patel Chowk, Sion Nahar Askaran Baba, P.S.- Bhabua, Dist.- Kaimur, Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-06-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. Despite issuance of notice to the opposite party no. 2, no one appears on behalf of the opposite party no. 2

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 504, 506, 406, 467, 468, 471(B), 34 of the Indian Penal Code.

3. The allegation in the First Information Report is that the petitioner and the co-accused persons under conspiracy received Rs. 30,00,000/- from the informant out of which 20,95,500/- was deposited in the account of the petitioner and his wife and the rest was given by way of cash. It has further been alleged that the petitioner executed the sale deed in favour



of the informant and it is after the sale that the informant got to know that the land does not belong to the petitioner.

4. It is an admitted position which is indicated in the FIR itself that the petitioner returned Rs. 13,30,000/- in the account of informant whereas the rest of the money was not returned. The petitioner had also made an averment in his petition that he was ready to settle the dispute. However, the same is not possible in the absence of the opposite party no. 2. It has also been brought to the notice of the Court that two of the other co-accused persons being the wife and son of the present petitioner have already been granted privilege of anticipatory bail vide order dated 09.11.2023 passed in Cr. Misc. No. 50446 of 2023.

5. Learned counsel for the petitioner also places reliance of the judgment in the case of **Bimla Tiwari Vs. State of Bihar & Ors (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** wherein it has been stated that the process of criminal law cannot be utilized for arm-twisting and money recovery.

6. Learned APP for the State has opposed the application for anticipatory bail.

7. Considering all the above mentioned facts and circumstances, let the above named petitioner in the event of his



arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 Ramgarh P.S. Case No. 132 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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