

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19633 of 2021

Arising Out of PS. Case No.-383 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Sanjay Singh Son Of Late Gopal Singh Resident Of Village- Kurra, Lp.S.-
Mohania, District- Kaimur (BHABUA).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

12 01-05-2026

1. Heard learned counsel for the petitioner, learned A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 354(B), 427, 308, 379, 420, 406, 504, 506 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the informant, at the outset, submits that petitioner had moved this Court seeking anticipatory bail by filing the instant criminal miscellaneous. It is submitted that the case was taken up on 10.05.2022, when petitioner before this Court on his own volition and without any coercion had agreed to pay an amount



of Rs. 4,50,000/- to the informant, based on which, the learned Co-ordinate Bench granted the privilege of provisional anticipatory bail to the petitioner for a period of six months with a condition that at the time of furnishing bail bonds, the petitioner will deposit a demand draft of Rs. 50,000/-. It is submitted that petitioner in compliance of the order dated 10.05.2022, submitted a demand draft of Rs. 50,000/- and thereafter he was granted the privilege of provisional anticipatory bail for a period of six months, but then petitioner became wise and filed Criminal Miscellaneous No. 43723 of 2022, seeking modification of the order dated 10.05.2022 in Criminal Miscellaneous No. 19633 of 2021, for extending the time of repaying the rest of the amount. It is submitted that the learned Co-ordinate Bench by an order dated 24.08.2022 allowed the modification application and the order dated 10.05.2022 in Criminal Miscellaneous No. 19633 of 2021 was modified to the extent that the entire amount shall be paid to the other side within a period of one year from the date of passing of the order in the modification application.

4. At this stage, learned counsel appearing on behalf of the petitioner submits that based on instruction of the petitioner, the said submission was made before the learned Co-



ordinate Bench on 10.05.2022 that petitioner is ready to return an amount of Rs. 4,50,000/-, based on which, the order dated 10.05.2022 came to be passed. It is next submitted that after the petitioner obtained provisional bail thereafter he sought legal advice and then he came to know that even after paying Rs. 4,50,000/-, the case against him will continue, on which the learned counsel appearing on behalf of the informant submits that had the amount been repaid to the informant in terms of the undertaking given by the petitioner before this Court on 10.05.2022, in that event, the case would have been withdrawn/compromised, but then petitioner became wise and very conveniently hoodwinked the orders of this Court after seeking provisional anticipatory bail.

5. Learned counsel appearing on behalf of the informant next submits that petitioner after obtaining provisional anticipatory bail, moved before the Hon'ble Supreme Court by filing SLA (Criminal) No. 12706/12707 of 2022 against the order dated 10.05.2022 in Criminal Miscellaneous No. 19633 of 2021 and the order dated 24.08.2022 in Criminal Miscellaneous No. 43723 of 2022 i.e. the order by which the time for paying the amount was extended.



6. At this stage, the learned counsel appearing on behalf of the petitioner submits that SLA (Criminal) No. 12706/12707 of 2022 dated 15.02.2023 restored the Criminal Miscellaneous No. 19633 of 2021 and remanded the matter back for re-consideration of the case on merits.

7. Learned counsel appearing on behalf of the petitioner next submits that in terms of the order of remand by the Hon'ble Supreme Court, the case now has to be adjudicated on merits. It is next submitted that in sum and substance the allegation is that the informant who is Bhabhi of the petitioner alleges that petitioner had taken a loan of Rs.4,50, 000/- from her assuring that at the time of marriage of her daughter he will bear the expenses but then when the daughter of the informant attained the marriageable age, the petitioner refused, further on 03.12.2020, the informant had gone to the house of the petitioner for seeking her money back when she was assaulted by lathi and danda causing injury on hand and even a finger of her hand got fractured, requiring 20 stitches and also snatched her mobile, further the accused snatched chain and ear-ring of her daughter and even dashed the mobile of her daughter, on account of which, it broke, the injured were taken to the hospital.



8. Learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the FIR, it would manifest that in sum and substance the dispute is civil in nature. It is further submitted that if informant was aggrieved by the fact that petitioner is not returning the amount which he had taken from her, in that event, the informant could have moved before a court of competent civil jurisdiction by filing an appropriate application seeking recovery of the loan amount, where petitioner would have got an opportunity to either accept or rebut her claim but then a criminal case came to be instituted with an intent to coerce the petitioner into submission so that he parts with fanciful demand of the informant under fear of arrest. It is also submitted that no doubt the allegation of assault is also alleged against the petitioner but then it is submitted that Mohaniya P.S. Case No.295 of 2019 came to be instituted by the father of the informant against unknown alleging killing of his son i.e. husband of the present informant, in which the present petitioner is also a witness. It is submitted that though Mohaniya P.S. Case No.295 of 2019 was instituted against unknown but during the course of investigation the involvement of the informant and her son transpired as the main accused. It is further submitted that the instant case has been instituted by way



of a counter blast to Mohaniya P.S. Case No.295 of 2019 so that petitioner is coerced into submission and does not give evidence in the trial arising out of Mohaniya P.S. Case No.295 of 2019. It is further submitted that even presuming what has been alleged in the FIR to be true with regard to assault then the assault is not on vital part of the body but then the same is an aspect of investigation and trial whether informant and her daughter were assaulted by the petitioner or not. It is reiterated and submitted that the FIR has been instituted for recovering the loan amount which the informant alleges had given to the petitioner.

9. Learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner. Learned counsel for the informant submits that there is specific allegation of assaulting the informant and her daughter and the injury suffered by the injured has been opined to be grievous in nature but then fairly submits that the injury is on hand and also relied on a supplementary injury report dated 23.12.2020. At this stage, the learned counsel appearing on behalf of the petitioner submits that from perusal of the supplementary injury report, it would manifest that the same records- the digital x-ray of the left elbow and the left hand done on 23.12.2020 at Aditya Diagnostic Center, Mohaniya, Ward



No.15 confirmed the above finding. It was done to obtain greater bonee resolution. It is thus submitted that the digital x-ray was done on 23.12.2020, when the occurrence is alleged to have taken place on 03.12.2020 but then fairly submits that even presuming what has been alleged is true without admitting then the injury is not on vital part of the body. The learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that injury is not on vital part of the body and that informant is an accused in Mohaniya P.S. Case No.295 of 2019, in which, petitioner is a witness and also the submission that if the petitioner was not returning the amount which he had taken by way of loan from the informant, in that event, the informant ought to have approached a court of competent civil jurisdiction for recovering her money back instead of instituting a criminal case.

10. After hearing the learned counsel for the parties, the court is in agreement with the submission of the learned counsel for the petitioner, hence the petitioner above-named, in the event of his arrest or surrender 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 Mohaniya P.S. Case No.383 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

