

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35504 of 2014

Arising Out of PS.Case No. -25 Year- 2014 Thana -RAFIGANJ District- AURANGABAD

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Bibi Parween Nisha @ Parween Nisha, wife of Md. Naseeruddin, resident
of Mohalla- Main Road, Police Station- Rafiganj, District- Aurangabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the petitioner, learned
Additional P.P. for the State and learned counsel for the informant.

The petitioner prays for anticipatory bail in a police case
under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
matter is essentially of a civil nature with respect to which a title
suit for specific performance of contract has already been filed by
the informant. It is submitted that the sale was agreed to be made
for an amount of Rs. 29,40,000/- but the informant had paid only
Rs. 11,30,000/- and the amount was urgently required for the
treatment of the son of the petitioner, who ultimately died.

Learned counsel for the informant, on the other hand,
submits that the petitioner having not executed the sale deed after
receiving the aforesaid amount of Rs.11,30,000/- has cheated the
informant.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner Bibi Parween Nisha @ Parween Nisha, in the event of her arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Rafiganj P.S.Case No. 25 of 2014 to the satisfaction of the Chief Judicial Magistrate, Aurangabad, subject to the other conditions as enumerated in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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