

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37732 of 2014

Arising Out of PS.Case No. -193 Year- 2014 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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Most. Pankaj Devi, wife of late Suryadeo Singh, resident of Village Bhagwanpur, P.S. Islampur, District Nalanda at present Resident of Mohalla Gaurav Nagar, Ward No. 3 Nagar Panchayat Islampur, P.S. Islampur, District Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate

For the State : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends arrest in Islampur P.S. Case No. 193 of 2014 dated 14.07.2014 instituted under Sections 420/406 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation against her is that despite she and her late husband having taken money as advance for transferring the land, upon his death, she did not execute the sale deed. It is submitted that it is a purely civil dispute for which if the claim of the informant is

genuine, he has remedy to approach the civil court of competent jurisdiction. It is further submitted that the informant has neither approached the civil court of competent jurisdiction for recovery of the money nor specific performance of contract for getting the sale deed executed.

Learned A.P.P. and learned counsel for the informant oppose the prayer for anticipatory bail and submit that despite taking money the petitioner is not executing the sale deed.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in Islampur P.S. Case No. 193 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

(Ahsanuddin Amanullah, J)

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