

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4518 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -DANAPUR District- PATNA

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1. Fula Rani @ Phula Raini W/o Late Satnarain Paswan, Resident of Village- Nawadih, P.O.- Nawadih, P.S.- Kauakol, Distt- Nawadah. Presently residing at Mohalla- Chitkohra, P.S. Gardanibagh.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Raj Kishore S/o Kamal Kishore Yadav of Mohalla- Naya Tola (Saguna), P.O.- Danapur, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha

For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 29-03-2016

Heard the learned counsel for the petitioner,

the learned counsel for the informant and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Danapur P.S. Case No. 82 of 2015 registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

The petitioner entered into an agreement with the informant for transfer of land appertaining to Khata No. 232, Plot No. 77, Area 2 Khata 10 Dhur for consideration amount of Rs. 1 crore 5 lakhs, out of which Rs. 70 lakhs were given in

cash and accordingly, agreement paper was executed whereon, the petitioner put her thumb impression and her son identified her. Thereafter, again, amount of Rs. 10 lakhs was given through cheque but the petitioner and her son started evading the matter and did not execute the sale deed in spite of legal notice given.

Submission is of false implication and that the petitioner is an old lady, the dispute appears purely of civil nature, for enforcing the agreement the informant ought to have filed civil suit. By putting the petitioner behind the bar no fruitful purpose is going to be served. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence, co-accused Aditya Narayan the son of the petitioner, has been allowed pre-arrest bail by another co-ordinate Bench of this Court, and as such, the petitioner suffering in custody since 21.03.2015, deserves sympathetic consideration, to which the learned APP duly assisted by the learned counsel for the informant opposes by submitting that the petitioner is the main accused and she has cheated the informant and further, she is not ready either to execute the sale deed or to return the advance money.

In the facts and circumstances stated above,

considering the detention of the petitioner and further that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 82 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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