

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30556 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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Most. Usha Devi, Son of Late Nayak Manjhi, resident of Mohalla- Dhanuki, P.S.- Dhanuki, Marhira, District- Saran and present resident of M/s Baudh and Jain Auto Service, Village- Daud Nagar, P.S- Baluka Ram, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Ranjeet Kumar Gupta, son of Vinay Prasad Gupta, resident of Village- Agarpur, P.O. & P.S.- Lalganj, District- Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Pranav Kumar, Advocate.

For the State : Mr. Jai Narain Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 16-12-2016 Heard the learned counsel for the petitioner, the learned A.P.P. for the State as also the learned counsel for Opposite Party No.2.

In this application for anticipatory bail the petitioner apprehends her arrest in connection with Lalganj P.S. Case No. 223 of 2015 for the offences punishable under sections 406, 420 and 506 of the I.P.C.

Allegedly, the petitioner demanded Rs. 11,00,000/- from the Opposite Party No. 2 Ranjeet Kumar Gupta for clearing the outstanding dues against her petrol pump and assured that her business is big and she will refund the money, upon which the



Opposite Party No.2 gave Rs. 11,00,000/- in cash to the petitioner on 02.04.2015 and when the Opposite Party No.2 demanded the said money the petitioner started avoiding and on repeated reminders the petitioner gave two cheques of Rs. 6,00,000/- and 5,00,000/- to the Opposite Party No.2 dated 18.06.2015 but both the cheques were dishonoured. The petitioner with an intention to cheat the Opposite Party No.2 has closed her account in past and purposely gave the cheques of the account which has already been closed. Thereafter legal notice was sent but the same was not answered and the petitioner threatened to face dire consequences.

Submission is of false implication and that the petitioner is a widow lady and after death of her husband she is looking after the business of her husband, she has committed no offence, no amount has ever been received by the petitioner from Opposite Party No.2, in fact Opposite Party No.2 somehow managed to grab the cheque book kept in the petrol pump in collusion with the partner (Prabhat Kumar) of the petitioner, without entering into any agreement it is not believable that Opposite Party No. 2 gave Rs. 11,00,000/- cash to the petitioner, no person merely on assurance will give such a huge amount without any security, on the cheque signature of the petitioner is forged and fabricated and as such the petitioner deserves



sympathetic consideration. In the legal notice it is stated that the amount was given in two installments, whereas, in the complaint petition it is stated that in one installment the amount was given. Opposite Party No.2 who is a friend of Prabhat Kumar (Partner) in collusion with other staffs grab the cheque book and implicated the petitioner in the present case, in fact when the petitioner entered into partnership there is no question of asking money from other persons, at best the offence under section 138 of the Negotiable Act is made out which is bailable in nature but the police has wrongly registered the case under sections 406, 420 and 506 of the I.P.C which is not made out. It is further stated that for money claim, money suit has to be filed.

The learned A.P.P. duly assisted by the learned counsel for Opposite Party No.2 opposes prayer for bail by submitting that the petitioner with an intention to cheat gave cheques which were dishonored as earlier account was closed.

In the facts and circumstances as stated above, considering the claim and counter claim, the petitioner, in case of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M.



Vaishali at Hajipur in connection with above mentioned case,
subject to the conditions as laid down in section 438 (2) of the
Cr.P.C.

(Jitendra Mohan Sharma, J)

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