

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19030 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

Naseema Begum, w/o Safiullah Iraqi @ Safiullah, R/O Baksoti, P.S.-
Govindpur, District-Nawada

.... Petitioner/s

Versus

1. State of Bihar
2. Firoza Khatoon, W/O Abdul Samad, D/O Ahmed Miyan, R/O Baksauti,
P.S.-Govindpur, District-Nawada

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate
For the State : Mr. Umesh Lal Verma (APP)
For the Complainant : Mr. Krishna Deo Raj, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 21-10-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned
counsel for the complainant is also present.

The petitioner is apprehending her arrest in connection
with Complaint Case No.139 of 2015 for allegedly having
committed the offence under Sections 420 and 427 of the Indian
Penal Code.

Earlier, the matter was referred to the Patna High
Court Mediation Centre, but now the matter has been sent back
as mediation has failed.

Learned counsel for the petitioner submits that the
complainant having not a single chit of paper to prove her case,

at best if she was wanting an agreement to be implemented, it was open for her to file a case in the court of appropriate jurisdiction for specific performance of contract and/or money suit for recovery of her money. However, instead of doing so, the complainant has filed the mischievous complaint petition against the petitioner invoking the penal Section under which she is facing prosecution.

Having heard learned counsel for the petitioner and the learned counsel for O.P. No.2 as also the State, I *prima facie* find that the case is more of a dispute in civil nature. As such, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Rajesh Kumar, learned Judicial Magistrate 1st Class, Nawada, in connection with Complaint Case No.139 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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