

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53449 of 2015

Arising Out of PS.Case No. -3513 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shanti Devi Wife of Dhurpat Thakur, Resident of Village - Pinjour, Police
Station - Paras Bigha, District -Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raghvendru Kr. Singh, S/o Late Binda Singh, R/o Barahiya Kothi,
Near Pallai Apartment, Nala Road, P.S. - Kadamkuan, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 02-05-2017

Heard learned senior counsel for the
petitioner and Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for
quashing the order dated 18.08.2015 passed by learned Judicial
Magistrate, Ist Class, Patna, whereby the petitioner's application
for exemption from personal appearance under Section 205
Cr.P.C. in Complaint Case No. 3513(C) of 2010 has been rejected.

The prosecution case is that rupees two lakhs
cash and rupees one lakh through cheque were taken by the
petitioner and her husband by impersonating one Musafir Thakur
for executing a sale deed with regard to a land but neither the sale



deed was executed nor the money was returned.

The learned Judicial Magistrate, Ist Class, Patna after considering the S.A. of the complainant and statement of enquiry witnesses vide order dated 12.05.2011 directed for issuance of process after cognizance being taken under Sections 406, 420 and 120B of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the cheque was never encashed and the petitioner disputes her LTI on the agreement and the receiving and a case has also been lodged by the petitioner. Moreover, the petitioner is an old lady suffering from various old age ailments.

From the material on record, it appears that the prayer for anticipatory bail of the petitioner was twice disposed of with liberty to surrender. Thereafter, the prayer for quashing of the complaint case vide Cr. Misc. No. 45375 of 2012 was also dismissed as withdrawn vide order dated 07.08.2014 passed by a Bench of this Court and above all now the process under Sections 82 and 83 Cr.P.C. have been issued.

Hence, this Court is not inclined to interfere. But keeping in view of the fact that only, prima facie, case under Sections 420, 406 and 120B of the IPC has been found by the learned Magistrate and petitioner is an old lady, this Court sees no



reason for the learned Magistrate not to consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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