

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61791 of 2017

Arising Out of PS. Case No.-96 Year-2017 Thana- PATLIPUTRA District- Patna

Garima Pandey, wife of Adarsh Kumar Pandey, resident of Flat No. C- 113,
Rajnigandha Apartment, Mohallah- Kurzi, P.S.- Patliputra, Town & District-
Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. SRI SATYADEV PRASAD SINGH YADAV

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered
for the offences punishable under sections 420,349,341,504 and
506/34 of the IPC and Section 138 of the N.I. Act.

It is alleged that husband of the petitioner entered into an
agreement for sale of the land and on different dates the
informant made payment of Rs.41,60,000/- but since the land in
question was in possession of some other person, the transaction
could not be completed. When the informant demanded money,
the husband of the petitioner gave two cheques to the informant,
out of which, one cheque of Rs.1,30,000/- was issued by the
petitioner. When both the cheques were deposited, the same
were dishonoured.



It is submitted by learned counsel for the petitioner that the agreement was between the informant and the husband of the petitioner hence the petitioner cannot be held responsible for the same. Since one of the cheques of Rs.1,30,000 was issued by the petitioner, she is ready to refund the amount within a period of four weeks. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:

“That the allegation against the Petitioner is that the Cheques issued by her not been honoured but fact is that the Petitioner had given the said Cheques to her husband Adarsh Kumar Pandey for personal use and not to clear the liability by the Informant, hence this Petitioner is very much unaware of the fact that how the Informant has used the alleged cheque to clear the liability of another knowing well that the Petitioner has no liability against the Informant which involve her in a criminal offence. However, the Petitioner is ready to refund the cheque amount.”

Learned counsel for the informant submits that the entire amount has been misappropriated by the petitioner and her husband.

Considering the present stand of the petitioner, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna in connection with Patliputra P.S. Case No. 96 of 2017.

The bail bonds of the petitioner will be accepted on submission of a draft of Rs.1,30,000/- before the learned court below, which will be released in favour of the informant.

(Dinesh Kumar Singh, J)

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